



WISCONSIN SENTENCING COMMISSION

SEMI-ANNUAL REPORT NO. 2

Criminal Sentencing Practices in Wisconsin: Robbery

July 2005

THE WISCONSIN SENTENCING COMMISSION

The Commission is an independent, bipartisan agency composed of eighteen voting members representing all three branches of government, prosecution and defense, criminal justice practitioners, and citizens, including a victims' rights representative. Its members are selected by the governor, the legislature, the attorney general and the courts and serve a three-year, renewable term. It provides sentencing data and information to courts, policymakers, practitioners, and the public and makes recommendations about sentencing policy to all three branches of state government.

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EXECUTIVE SUMMARY

As mandated by the Wisconsin State Legislature, the Wisconsin Sentencing Commission (WSC) is required to submit semi-annual reports on various criminal sentencing practices demonstrated in the State. These reports must contain sentencing information for the state, as well as five designated geographic areas (i.e., Milwaukee County; Racine and Kenosha Counties; Dane and Rock Counties; Calumet, Winnebago, Outagamie, and Brown Counties; and all other counties). For its second semi-annual report, the Commission chose to explore sentencing practices related to robbery offenses. Robbery constitutes one of the State's most frequent violent crimes, and the Commission believes good information about current sentencing will substantially assist practitioners and policymakers alike.

As defined by the Federal Bureau of Investigation's Uniform Crime Reporting Program, robbery is "the taking or attempted taking of anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear." Many states define robbery as theft of property or money through physical force or intimidation. Where a deadly weapon such as a gun is used or the victim suffers injury, the robbery may be charged as "armed" or "aggravated." What distinguishes robbery offenses from other similar crimes (e.g., theft and burglary) is the element of force/threat of force. Subsequently, this offense is categorized as a violent crime rather than a property crime.

In the State of Wisconsin, the criminal code divides robbery into three separate offenses. This separation allows the State to identify and isolate the nuances of the crime and place it into the felony classification system accordingly. The first two offenses, 943.32(1)(a) and 943.32(1)(b), are Class E felonies and occur when a defendant – with intent to steal – takes property from the person or presence of the owner by threat of force or use of force, respectively. The third offense, 943.32(2), is a Class C felony and may be charged when a dangerous weapon is present during the commission of either 943.32(1)(a) or 943.32(1)(b). By separating the crime into these three felonies, the State is able to address the unique elements of each offense.

Between February 2003 and December 2004, there were 584 robbery convictions in the State of Wisconsin. Statewide, *Armed Robbery* accounted for 59% of the total, followed by *Robbery with Threat of Force* (26%) and *Robbery with Use of Force* (15%). The region with the greatest percent of *Armed Robbery* convictions was Milwaukee. In the Milwaukee region, 68% of all convictions were for this offense. The Dane/Rock region had the second highest total at 53%, followed by the Racine/Kenosha and Rest of the State regions (48% and 47%, respectively). The Fox Valley region had the smallest percent of *Armed Robbery* convictions at 39%.

Similar to other State trends regarding race, nearly all of the offenders convicted of robbery in Wisconsin were either White or Black. Statewide, 42% of the offenders were White, 54% Black, 2% American Indian, and 2% Asian/Pacific Islander. These rates varied considerably throughout the reporting regions. Arguably, the most racially diverse region was Fox Valley. Sixty-seven percent of the offenders in this region were White, 11% Black, 14% American Indian, and 8% Asian/Pacific Islander. The Rest of the State region also had offenders from all four racial categories, but the distribution of percents among the categories varied somewhat from Fox Valley (White =

77%, Black = 17%, American Indian = 4%, and Asian/Pacific Islander = 2%). All, or nearly all, of the offenders in the remaining three regions – Dane/Rock, Milwaukee, and Racine/Kenosha – were from the White or Black racial categories.

Statewide, nearly half (47%) of all robbery offenders were between the ages of 18 and 22, and over three-quarters (81%) were between the ages of 18 and 39. These rates were relatively consistent in all but two of the five reporting regions. Both the Racine/Kenosha and Fox Valley regions had considerably lower rates for offenders between the ages of 18 and 39 (64% and 69%, respectively). Yet unlike the other three regions, these two had relatively high rates of offenders less than 18 years of age. In the Racine/Kenosha region, 28% of the offenders were less than 18 years of age. The Fox Valley region followed next with 19%. The Dane/Rock region had the lowest rate of offenders less than 18 years of age at 2%. All of the five regions maintained relatively similar rates to the statewide total (8%) of offenders over the age of 39.

With regard to sentence types, nearly three-quarters (73%) of the offenders convicted on robbery charges in Wisconsin were sentenced to prison/extended supervision, with the remaining 27% sentenced to probation. Yet, these rates varied in the five reporting regions. The Milwaukee and Racine/Kenosha regions both sentenced approximately 80% to prison/extended supervision and 20% to probation. Both the Fox Valley and Rest of the State regions sentenced approximate two-thirds (61% and 63%, respectively) to prison/extended supervision and one-third (39% and 37%) to probation. Finally, the Dane/Rock region sentenced offenders almost equally between prison/extended supervision (56%) and probation (44%).

In general, the data appear to follow commonly expected patterns of sentence lengths. Most sentences were in direct proportion to the severity of the offense -- the more severe the offense, the longer the sentence length. As illustrated in the report, the median sentence lengths for *Robbery with Threat of Force*, *Robbery with Use of Force*, and *Armed Robbery* were 3.7 years, 4.0 years, and 5.0 years, respectively. In addition to offense types, sentence lengths also appeared to follow in the same direction as the adjustment factors and charge types. For example, statewide, the median prison sentences for multiple-charge, *Robbery with Threat of Force* cases with aggravators, mitigators, both, and none were 4.5 years, 2.5 years, 5.0 years, and 3.0 years, respectively. Although there were some occasions where these patterns did not match general expectations, the majority of instances occurred where there were limited case totals. Such occurrences were not necessarily indicative of aberrant trends.

With regard to sentence lengths and race, no overriding patterns emerged among the four racial categories: White, Black, American Indian, and Asian/Pacific Islander. Statewide prison and extended supervision sentences between White and Black offenders for *Armed Robbery* were identical, while sentences for the other two offenses were nearly alike. Unfortunately, case totals for American Indian and Asian/Pacific Island offenders were too few to reasonably draw any statistical conclusions. Criminal sentencing in the State of Wisconsin involves the examination of many different factors. These factors include, but are not limited to, prior criminal history, multiple charges, case adjustments, mental and physical health, drug and/or alcohol dependency, employment history, education, family support, and ties to the community. Due to time constraints and limited resources, the affects of these factors on sentencing could not be thoroughly examined within the parameters of this report. Without a more detailed analysis of these additional elements, it is not possible to report any definitive conclusions at this time. A future report by the Commission devoted to race and sentencing will address the issue in greater detail.

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INTRODUCTION

PURPOSE

Section 973.30(1)(i) of Wisconsin Statutes requires the Wisconsin Sentencing Commission (WSC) to submit semiannual reports containing criminal sentencing statistics imposed in the state. Each of these reports must contain statewide information, as well as information for the five designated geographic areas (i.e., Milwaukee County; Racine and Kenosha Counties; Dane and Rock Counties; Calumet, Winnebago, Outagamie, and Brown Counties; and all other counties). The Commission's initial report analyzed burglary data and can be found on its website (<http://wsc.wi.gov>). For its second semi-annual report, the Commission chose to explore sentencing practices related to Robbery offenses. Robbery constitutes one of the State's most frequent violent crimes, and the Commission believes good information about current sentencing will substantially assist practitioners and policymakers alike.

OVERVIEW

As defined by the Federal Bureau of Investigation's Uniform Crime Reporting Program, robbery is "the taking or attempted taking of anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear." Many states define robbery as theft of property or money through physical force or intimidation. Where a deadly weapon such as a gun is used or the victim suffers injury, the robbery may be charged as "armed" or "aggravated." What distinguishes robbery offenses from other similar crimes (e.g., theft and burglary) is the element of force/threat of force. Subsequently, this offense is categorized as a violent crime rather than a property crime.

According to national Uniformed Crime Reports data, *Robbery* accounted for nearly 30% of all violent crimes reported by police in 2003¹ – second only to *Aggravated Assault*. *Robbery* represented approximately 18% of all violent crime arrests. Of those arrests, 26% were charged and prosecuted. In addition to general frequencies, this unique offense – as both a crime against person and property – often warrants analyses of supplemental data as well. Among the additional data typically reported include type of weapon used, location of offense, month of year offense occurred, and loss of dollar value. For example, in 2003, national robbery statistics showed that robberies were most often committed with a firearm, along a street or highway, during the month of December, with an estimated value of \$1,200 in stolen property.

In addition to arrests, a great deal of information is also available on sentences. A recent report prepared by the U.S. Bureau of Justice Statistics on 2002 state court sentencing practices revealed that robbery represented 20% of felony convictions for all violent crimes.² According to this report, nearly an equal percent of armed and unarmed robberies occurred in 2002 (25% and 26%, respectively). Yet, the presence or absence of a weapon was unspecified in the remaining 49%. These data also revealed that 86% of these offenders were

sentenced to prison or jail and 14% were sentenced to probation. Nationally, the average prison sentence for robbery was 7.6 years, while the average probation sentence was 4.3 years.

The following report provides a variety of summary information on robbery in Wisconsin, including both statewide and regional statistics. The report includes an overview of the crime, as well as analyses on case types, charge types, cases adjustments, offender characteristics, prior convictions, sentence types, and sentence lengths. Undoubtedly, the figures and content that follow are rather immense. Yet without this level of detail, the significance of the report for practical applications by judges during sentencing and future policy decisions by legislators would be notably reduced.

CRIMINAL SENTENCING IN WISCONSIN: ROBBERY

BACKGROUND

In the State of Wisconsin, the criminal code divides robbery into three different offenses. This division allows the State to identify and separate the nuances of the crime and place it into the felony classification system accordingly. The first two offenses, 943.32(1)(a) and 943.32(1)(b), are Class E felonies and occur when a defendant – with intent to steal – takes property from the person or presence of the owner by threat of force or use of force, respectively. The third offense, 943.32(2), is Class C felony and may be charged when a dangerous weapon is present during the commission of either 943.32(1)(a) or 943.32(1)(b). By separating the crime into these three felonies, the State is able to address the unique elements of each offense. In addition, it allows the Sentencing Commission to isolate and quantify individual sentencing factors identified on the sentencing guidelines worksheets. Ideally, this level of detail will provide a more accurate and thorough analysis.

The following report contains information on robbery convictions – 943.32(1)(a), 943.32(1)(b), and 943.32(2) – sentenced between February 2003 and December 2004. A small fraction of the cases were entered under the base statute of 943.32, but were placed within 943.32(1) for reporting purposes. The data used for this report were extracted from two separate justice-related data systems. The first system, The Consolidated Court Automation Programs (CCAP), was used to collect data on case and sentencing information. The second system, the Corrections Accounting Cashiers Unit (CACU), was used to collect data on offender demographics and prior criminal histories. Cases from these two systems were matched on case number and county number, and integrated into the Commission’s database.

Identifying the correct cases to use in this report required creating a set of data parameters. First, the report only contains felony convictions filed and disposed of between February 2003 (Truth-In-Sentencing enactment date) and December 2004. Second, only cases that were sentenced to either probation – sentence withheld and sentence imposed but stayed – or prison/extended supervision were included. This excludes sentences of jail, community service, restitution, costs, or forfeiture/fine. Third, the report only includes cases with guilty dispositions, not dispositions of deferred, dismissed, not guilty, or amended. Finally, the report only includes cases where robbery was

identified as the major offense in both the CCAP and CACU systems. Multiple-charge cases that included robbery, but where the robbery offense was lesser than the primary/major offense, were not included.

In addition to parameters, it is also necessary to provide a list of definitions and clarifications. Many of the concepts and terms used throughout the report can be defined in a variety of ways, each affecting the results differently. First, prior convictions refer to the number of prior charges on which an offender (using the offender number field in the CACU system) was previously convicted. Prior convictions include both felonies and misdemeanors, and are not limited to robbery offenses. Next, case adjustments refer to supplementary allegations included in the criminal complaint to reflect aggravating or mitigating circumstances of the crime. Cases reported in the “Aggravator” category are those that contained a penalty enhancer or a statutory aggravating factor, such as habitual criminality or identity concealment. Cases reported in the Mitigator” category are those that contained other statutory allegations, such as party to the crime, attempt, and conspiracy. (Although courts may not find that all of the adjustments in this category mitigate the severity of a particular offense, in general the “Mitigator” adjustments suggest that the defendant had a lesser degree of involvement in the robbery or attempted robbery.) Cases that had both an Aggravator and a Mitigator are reported in the “Both” category. Lastly, with regard to median sentence lengths, probation and prison/extended supervision categories are mutually exclusive. This means that offenders sentenced to probation with a prison sentence imposed and stayed were only counted in the probation totals, not in the prison and extended supervision totals. Although this group of offenders was given a prison/extended supervision sentence, unless their probation was revoked, they did not actually serve the sentence. And without the ability at this time to identify probation revocations or whether or not an offender actually served time in prison, only the probation sentence could be confidently ascertained.

The information that follows provides a great amount of detail on robbery cases both statewide and regionally. It includes an analysis of robbery cases by offense types (*Robbery with Threat of Force*, *Robbery with Use of Force*, or *Armed Robbery*), charge types (single or multiple), and adjustment types (aggravator, mitigator, both, or none). In addition, it offers an overview of cases by race (White, Black, American Indian, or Asian/Pacific Islander), ethnicity (Hispanic, Non-Hispanic, or unknown), age (less than 18, 18-22, 23-29, 30-39, greater than 39), and prior criminal convictions (0, 1, 2-3, 4-11, more than 11). Finally, the report presents summary statistics on sentence types (probation or prison/extended supervision) and median sentence lengths. The median, as opposed to the mean/average, was used as the measure of central tendency to reduce the amount of distortion commonly caused by outlying sentences. Also important to note, where multiple charge cases were reviewed, considerations were not given to consecutive and concurrent sentences.

STATEWIDE

CASES

Offense Types [pg. 6] – According to the Commission’s database, there were 584 robbery convictions in the State of Wisconsin between February 2003 and December 2004. Of that total, over half (59%) of all the cases were for *Armed Robbery* offenses. *Robbery with Threat of*

Force came in a distant second at 26%, followed by *Robbery with Use of Force* at 15%. Of those total cases, the percent of cases with single counts opposed to the number of cases with multiple counts was relatively similar. Multiple-charge cases accounted for a little over half of the total (56%), while there was a smaller percent of single-charge cases (44%). Unlike the other two offenses, *Armed Robbery* had nearly identical percents for both single-charge and multiple-charge cases at 29% and 30% of the total cases, respectively. Within the remaining cases, *Robbery with Threat of Force* had somewhat similar percentages between the two types of cases (11% single-charge and 15% multiple-charge), *Robbery with Use of Force* was notably more disparate between single-charge cases and multiple-charge cases (4% and 11%, respectively).

Charge Adjustments [pg. 6] – In addition to charge types, this report also provided an analysis of Robbery cases by charge adjustments. As described in the previous section, charge adjustments include both mitigating and aggravating variables that are designed to address individual characteristics of the case. This examination revealed a rather significant discrepancy between the percent of cases with and without adjustments (68% and 32%, respectively). *Armed Robbery* appeared to have fairly consistent percentage rates between case types and adjustment presence. For example, 9% of both single-charge and multiple-charge cases did not have adjustments, while approximately 20% of these same two case types had adjustments. As to be expected, based on the overall percentages, all three robbery offenses and both charge types had a greater percent of cases with adjustments than without.

OFFENDERS

Race [pg. 7] – Similar to other state trends regarding race, nearly all of the offenders convicted of robbery were either White or Black. Overall, 42% of the offenders were White, while 54% of the offenders were Black. American Indians and Asian/Pacific Islanders made up the remaining 4%. Although the percentage rates are relatively similar between the three types of robbery offenses, there are a few subtle differences. In *Robbery with Threat of Force* and *Armed Robbery* the highest percentages of offenders were Black, yet this trend did not hold true for *Robbery with Use of Force* offenses. In these cases, 48% of the offenders were White, while only 43% of the offenders were Black.

Ethnicity [pg. 7] – An overwhelming majority (72%) of robbery offenders in the State of Wisconsin were Non-Hispanic. Only 9% were Hispanic, while the ethnicity of the remaining 19% of the offenders was unknown. The data indicated a fairly even distribution of Hispanic offenders between the three different robbery offenses. Both *Robbery with Threat of Force* and *Armed Robbery* had approximately 9% Hispanic offenders. *Robbery with Use of Force* was slightly less at 7%. Also important to note, nearly all of the Hispanic offenders were White (92%). Accurate counts of ethnicity and even race are problematical, as discussed in the Commission's recent report, "Race and Sentencing in Wisconsin," (<http://wsc.wi.gov>).

Age [pg. 8] – Using the birth date field from the CACU system, nearly half of all robbery offenders (47%) were between the ages of 18 and 22. Among the three offense types, *Armed Robbery* had the highest percent of offenders between within this age group with 49%. *Robbery with Threat of Force* and *Robbery with Use of Force* had slightly lower rates at 46% and 42%, respectively. Conversely, only 8% of robbery offenders were older than 39. Once again, *Armed Robbery* had the highest percent (10%), followed by *Robbery with Use of Force* with 6% and *Robbery*

with *Threat of Force* with 5%. Also important to note, *Robbery with Use of Force* had the highest percent of offenders between the ages of 23 and 29 with 24%. Yet, all three offense types had nearly identical percent totals for offenders between the ages of 18 and 29 (*Robbery with Threat of Force* = 66%; *Robbery with Use of Force* = 66%; *Armed Robbery* = 65%).

Prior Convictions [pg. 9] – Nearly 90% of all offenders convicted of robbery had at least one prior conviction (felony or misdemeanor). Approximately 25% of offenders had just one prior conviction, while the remaining 65% had two or more. The majority of offenders had between two and eleven priors, yet a little more than 6% had over eleven priors. Perhaps, surprisingly, among the three robbery offense types, *Robbery with Threat of Force* had the highest percent of offenders with more than 11 prior convictions (9%).

SENTENCES

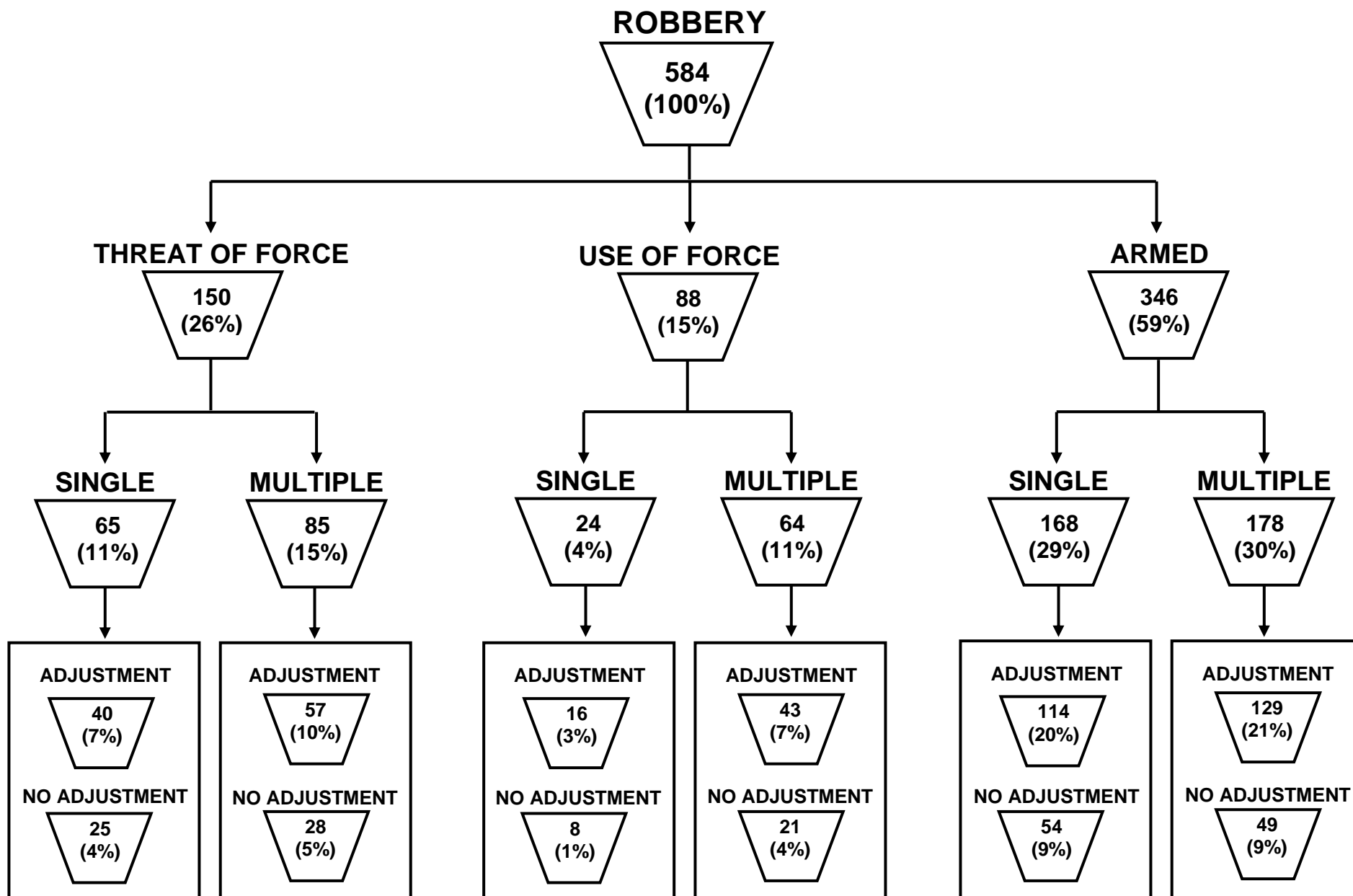
Sentence Types [pg. 10] – Overall, nearly three-quarters of offenders convicted on robbery charges were sentenced to prison/extended supervision (73%). Predictably, the majority of the prison sentences were for *Armed Robbery* (50%). *Robbery with Threat of Force* comprised 14% of the total, followed by *Robbery with Use of Force* with 9%. Of the cases sentenced to probation (27%), 12% were *Robbery with Threat of Force*, 6% were *Robbery with Use of Force*, and 9% were *Armed Robbery*. Both types of unarmed robberies had relatively similar rates between cases sentenced to probation and cases sentenced to prison. Yet, not surprisingly, *Armed Robbery* had over five times as many offenders sentenced to prison than probation (50% and 9%, respectively).

Sentence Lengths [pg. 11] – In general, the data appear to follow commonly expected patterns of sentence lengths. Most sentences were in direct proportion to the severity of the offense – the more severe the offense, the longer the sentence length. As depicted in the graph that below, the median sentence lengths for *Robbery with Threat of Force*, *Robbery with Use of Force*, and *Armed Robbery* were 3.7 years, 4.0 years, and 5.0 years, respectively. This graph also provides the 25th and 75th percentiles of sentence lengths, which measure the spread of the middle 50 percent – the median – of the ordered cases. Unlike the range, this interquartile range is not influenced by any extreme values (i.e., outliers), and, subsequently, provides a more accurate representation of the numbers.

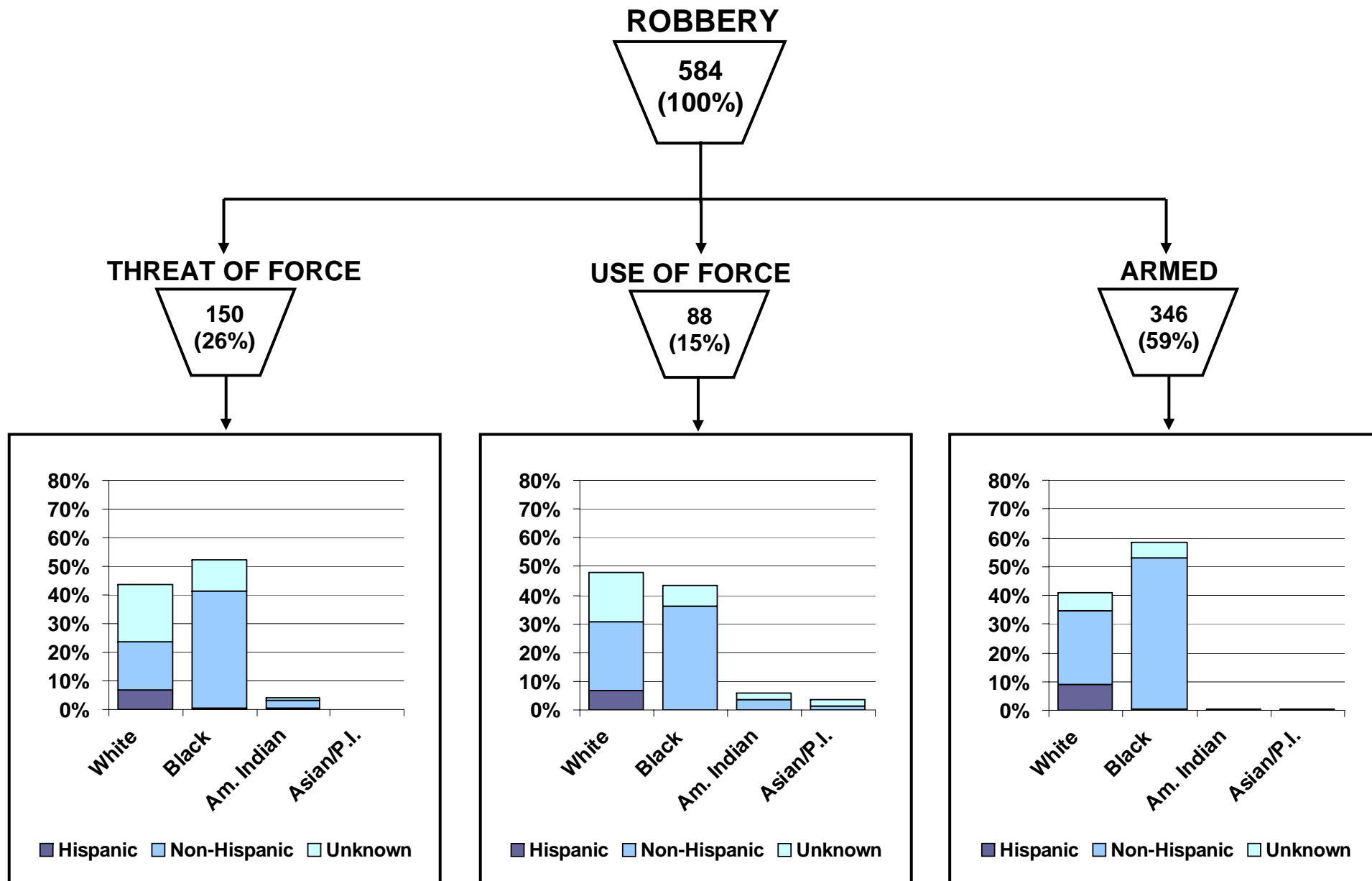
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With regard to sentence lengths and race, no overriding patterns emerged among the four racial categories: White, Black, American Indian, and Asian/Pacific Islander. Prison/extended supervision sentences between White and Black offenders for *Armed Robbery* were identical, while sentences for the other two offenses were nearly alike. Unfortunately, case totals for American Indian and Asian/Pacific Island offenders were too few to reasonably draw any statistical conclusions.

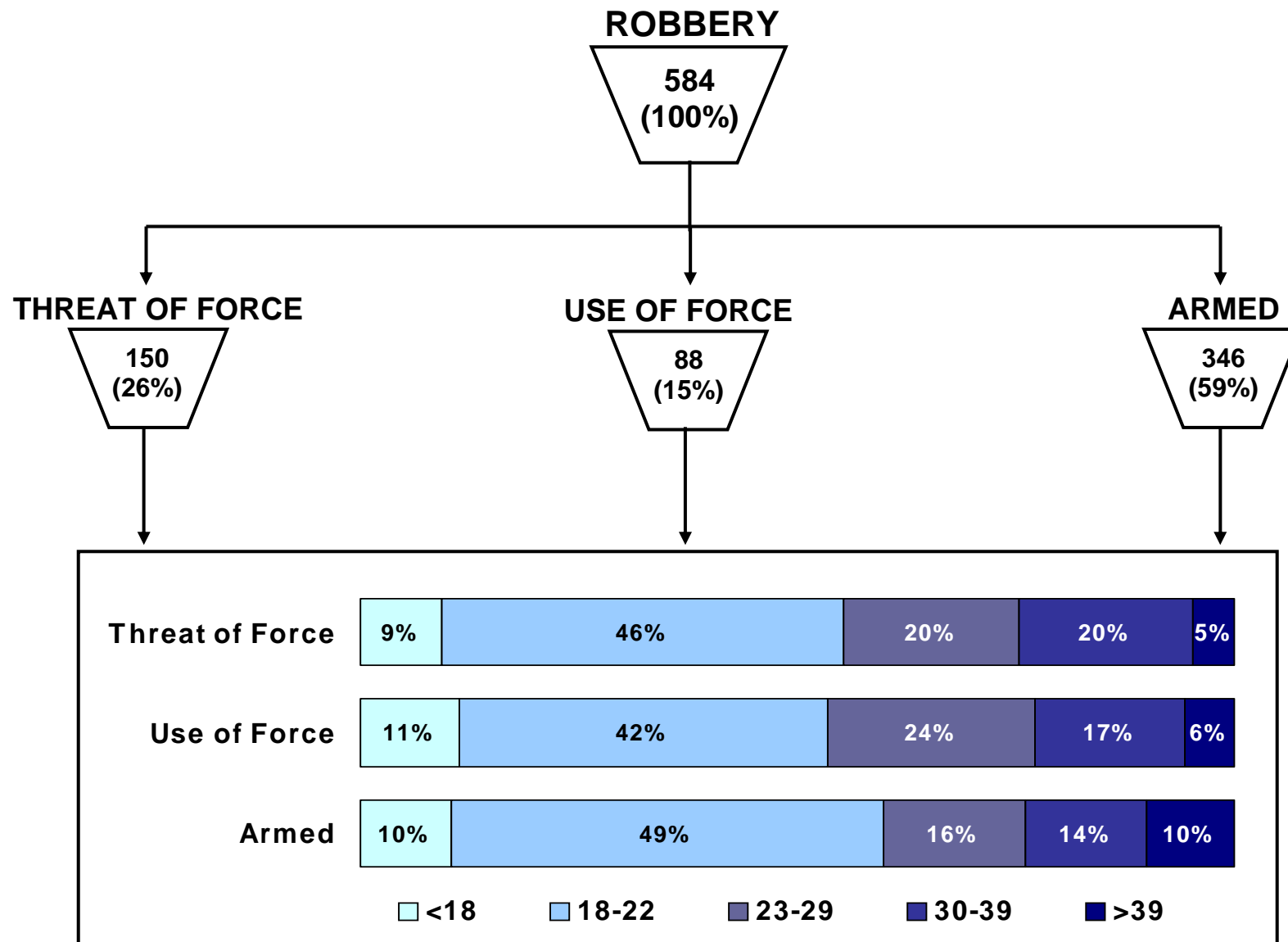
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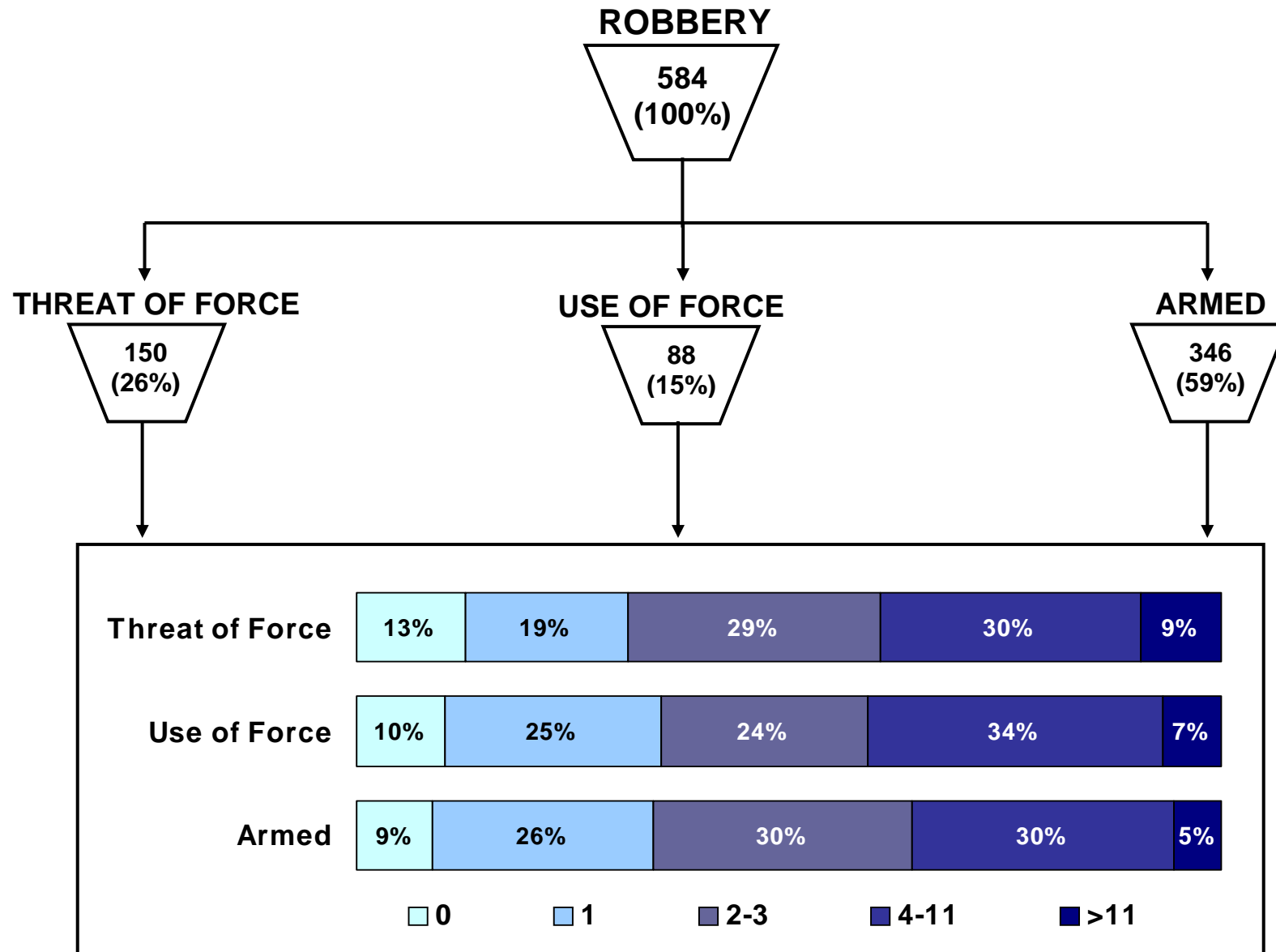
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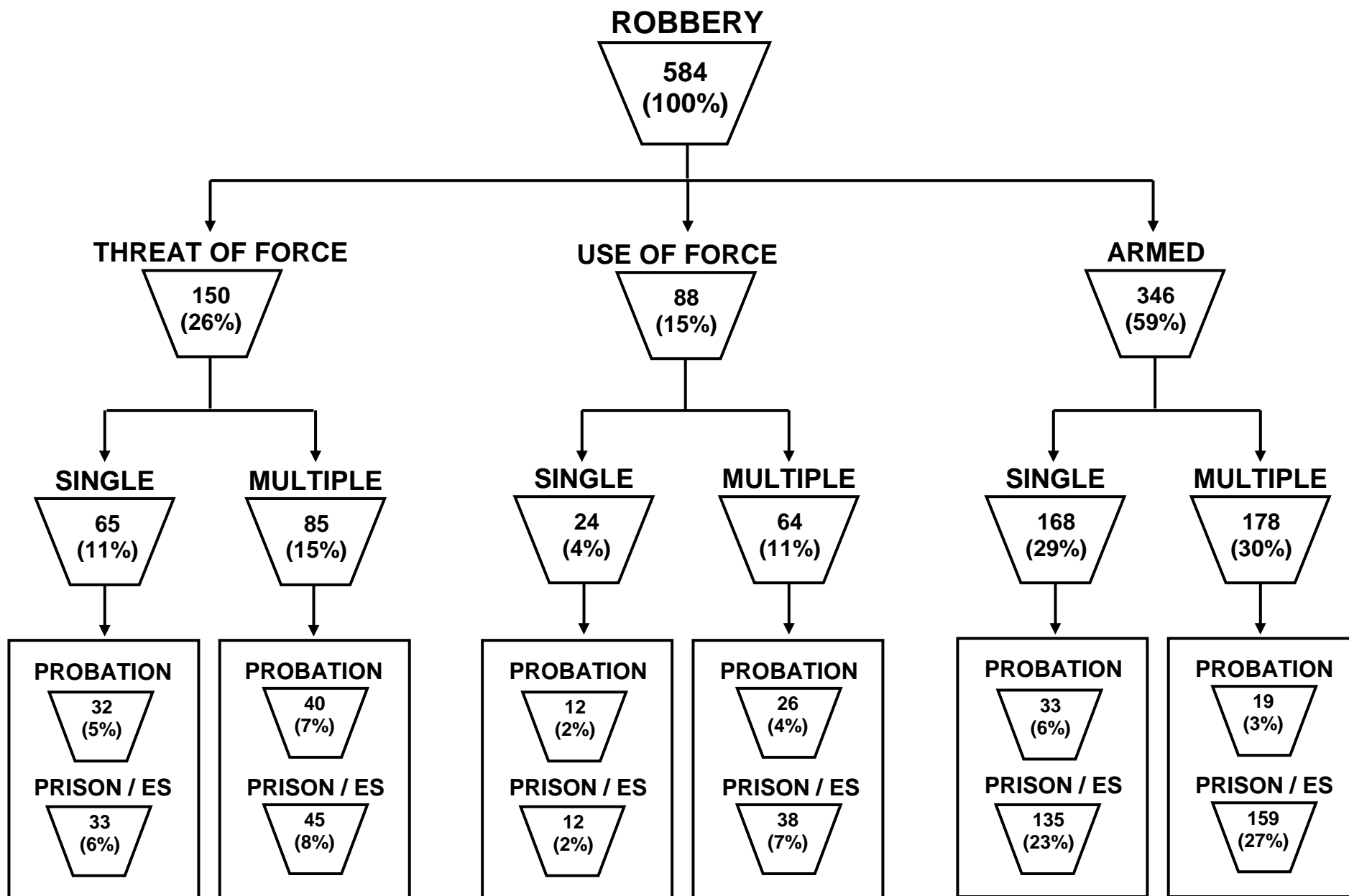
STATEWIDE: AGE



STATEWIDE: PRIOR CONVICTIONS

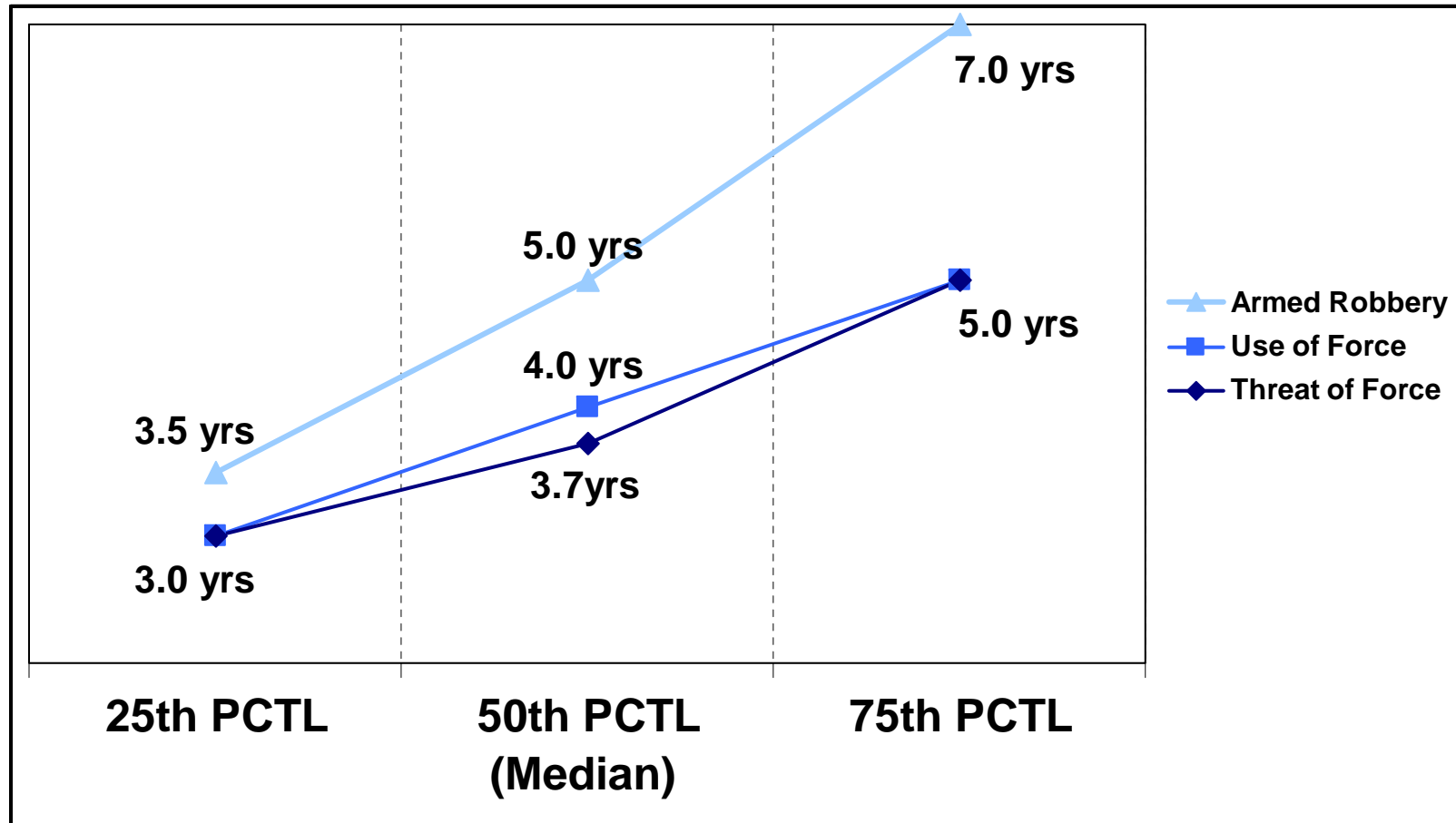


STATEWIDE: SENTENCE TYPES



STATEWIDE: SENTENCE LENGTHS

Interquartile Sentence Ranges for Robbery Offenses



STATEWIDE: SENTENCE LENGTHS

Median Sentence Lengths for Single-Charge Cases

	AGGRAVATOR (10)		MITIGATOR (149)		BOTH (10)		NONE (88)	
	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup
<i>Threat of Force</i>	5.0 yrs	2.5 / 3.5 yrs	4.0 yrs	3.0 / 3.0 yrs	-	- / -	3.0 yrs	3.0 / 3.9 yrs
<i>Use of Force</i>	-	3.0 / 5.0 yrs	3.5 yrs	6.5 / 5.0 yrs	4.0 yrs	- / -	3.0 yrs	2.5 / 3.0 yrs
<i>Armed</i>	8.0 yrs	2.5 / 4.0 yrs	5.0 yrs	4.0 / 5.0 yrs	-	5.0 / 5.0 yrs	5.0 yrs	4.0 / 5.0 yrs
Number of Cases	2	8	58	91	1	9	16	72

Median Sentence Lengths for Multiple-Charge Cases

	AGGRAVATOR (16)		MITIGATOR (181)		BOTH (31)		NONE (98)	
	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup
<i>Threat of Force</i>	3.0 yrs	4.5 / 5.0 yrs	5.0 yrs	2.5 / 3.2 yrs	3.0 yrs	5.0 / 4.5 yrs	4.0 yrs	3.0 / 4.0 yrs
<i>Use of Force</i>	-	4.0 / 5.0 yrs	5.0 yrs	3.0 / 3.7 yrs	10.0 yrs	4.0 / 3.0 yrs	5.0 yrs	4.0 / 4.5 yrs
<i>Armed</i>	-	6.0 / 7.0 yrs	4.5 yrs	5.0 / 5.0 yrs	8.5 yrs	7.0 / 6.0 yrs	8.0 yrs	5.0 / 6.0 yrs
Number of Cases	3	13	54	128	5	26	23	75

Median Sentence Lengths by Race

	WHITE (247)		BLACK (320)		AMERICAN INDIAN (12)		ASIAN/PAC ISLAND (5)	
	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup
<i>Threat Of Force</i>	4.0 yrs	3.0 / 4.0 yrs	4.0 yrs	3.0 / 3.5 yrs	-	2.7 / 3.7 yrs	-	- / -
<i>Use Of Force</i>	5.0 yrs	3.2 / 4.5 yrs	5.0 yrs	3.0 / 4.0 yrs	4.0 yrs	2.0 / 3.2 yrs	3.5 yrs	4.0 / 5.0 yrs
<i>Armed</i>	5.0 yrs	5.0 / 5.0 yrs	4.0 yrs	5.0 / 5.0 yrs	-	8.0 / 12.0 yrs	-	6.0 / 11.5 yrs
Number of Cases	85	162	72	248	3	9	2	3

REGIONAL DISTRICTS: DANE/ROCK

CASES

Offense Types [pg. 15] – Of the 584 robbery convictions in the State of Wisconsin, 93 (16%) occurred in the Dane/Rock region. Of those 93, over half of all the cases were for *Armed Robbery* (53%). *Robbery with Threat of Force* came in a distant second at 32%, followed by *Robbery with Use of Force* at 15%. Of the total, multiple-charge cases accounted for 75%, while single-charge cases accounted for only 25%. Perhaps most notably, *Robbery with Threat of Force* had five times as many multiple-charge cases (25) as single-charge cases (5).

OFFENDERS

Race & Ethnicity [pg. 16] – Unlike statewide amounts, all of the offenders in the Dane/Rock region were either White (45%) or Black (55%). According to the Commission's database, this region did not contain cases involving American Indian or Asian/Pacific Island offenders during the specific time period. With regard to ethnicity, an overwhelming majority of robbery offenders in this region were Non-Hispanic (65%). Only 5% of the total number of offenders was Hispanic, while the ethnicity of the remaining 30% was unknown. Also important to note, all of the Hispanic offenders were White.

Age [pg. 16] – Overall, 87% of the offenders in this region fell between the ages 18 and 39. Over one-third (39%) were between the ages of 18 and 22, while slightly fewer were within the age groups of 23-29 and 30-39 (23% and 25%, respectively). Conversely, only 2% of the offenders were younger than 18. Offenders that were older than 39 accounted for 11% of the total, which was slightly higher than the statewide average of 8%.

Prior Convictions [pg. 16] – Eighty-seven percent of the offenders in this region had at least one prior conviction. Approximately 16% had one prior, while the remaining 71% had two or more. Of those offenders with two or more priors, the majority had between four and eleven (39%). Perhaps most surprisingly, 13% of offenders in this region had more than 11 prior convictions.

SENTENCES

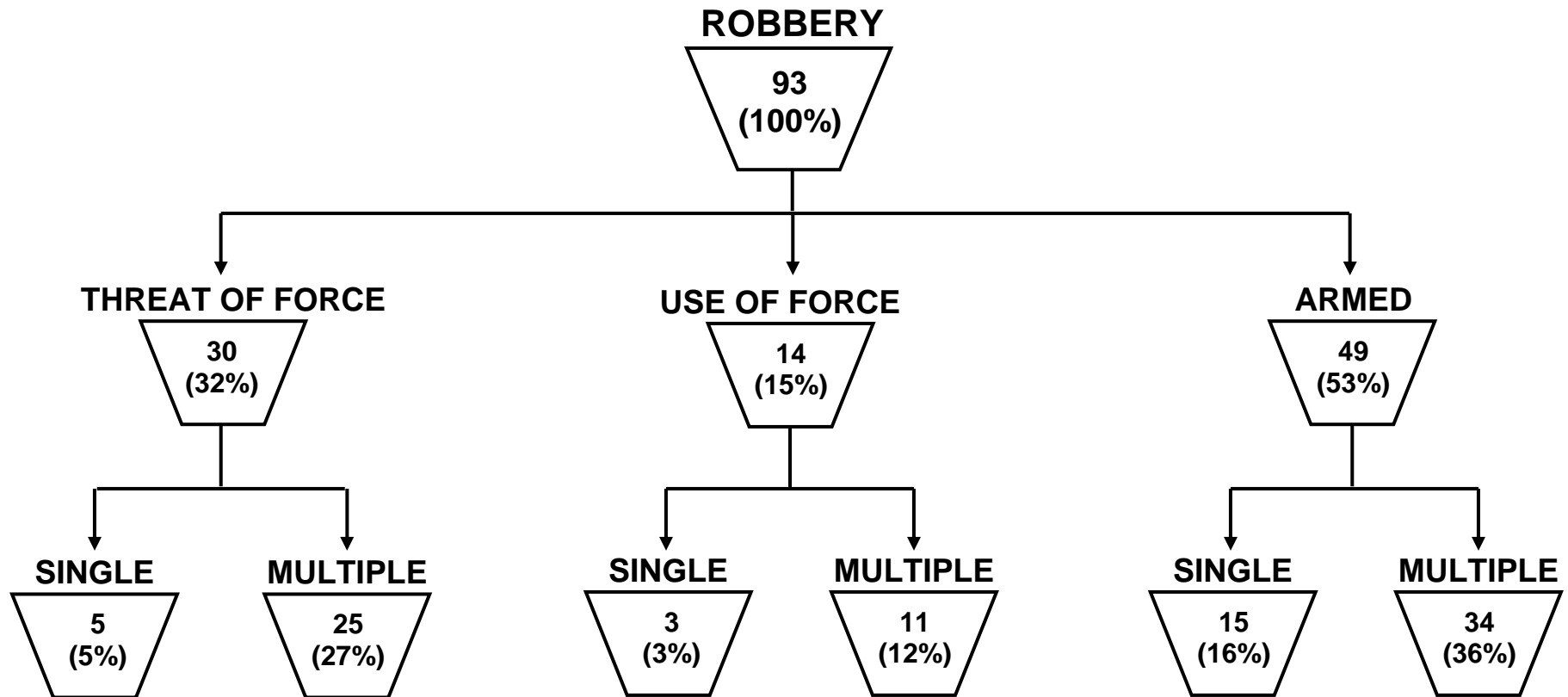
Sentence Types [pg. 17] – In the Dane/Rock region, a little over half of the offenders were sentenced to prison/extended supervision (56%). Probation sentences were handed down in 44% of the cases. According to the data, there did not appear to be a wide discrepancy between prison percentages and probation percentages for single-charge and multiple-charge cases. For example, probation sentences were given in single-charge cases 48% of the time and 43% of the time in multiple-charge cases. Similarly, prison sentences were given in single-charge cases 52% of the time and in multiple-charge cases 57% of the time.

Sentence Lengths [pg. 18] – Unlike the statewide pattern, a correlation between offense types and sentence lengths did not appear to exist within the Dane/Rock region. For example, the median prison sentence for the least severe offense – *Robbery with Threat of Force* – with a mitigator was 3.3 years, yet this same median for *Armed Robbery* (the most severe robbery offense) was 3.0 years. Similarly, the median prison sentences for *Robbery with Use of Force* and *Armed Robbery* without adjustment factors were 3.7 years and 3.2 years, respectively.

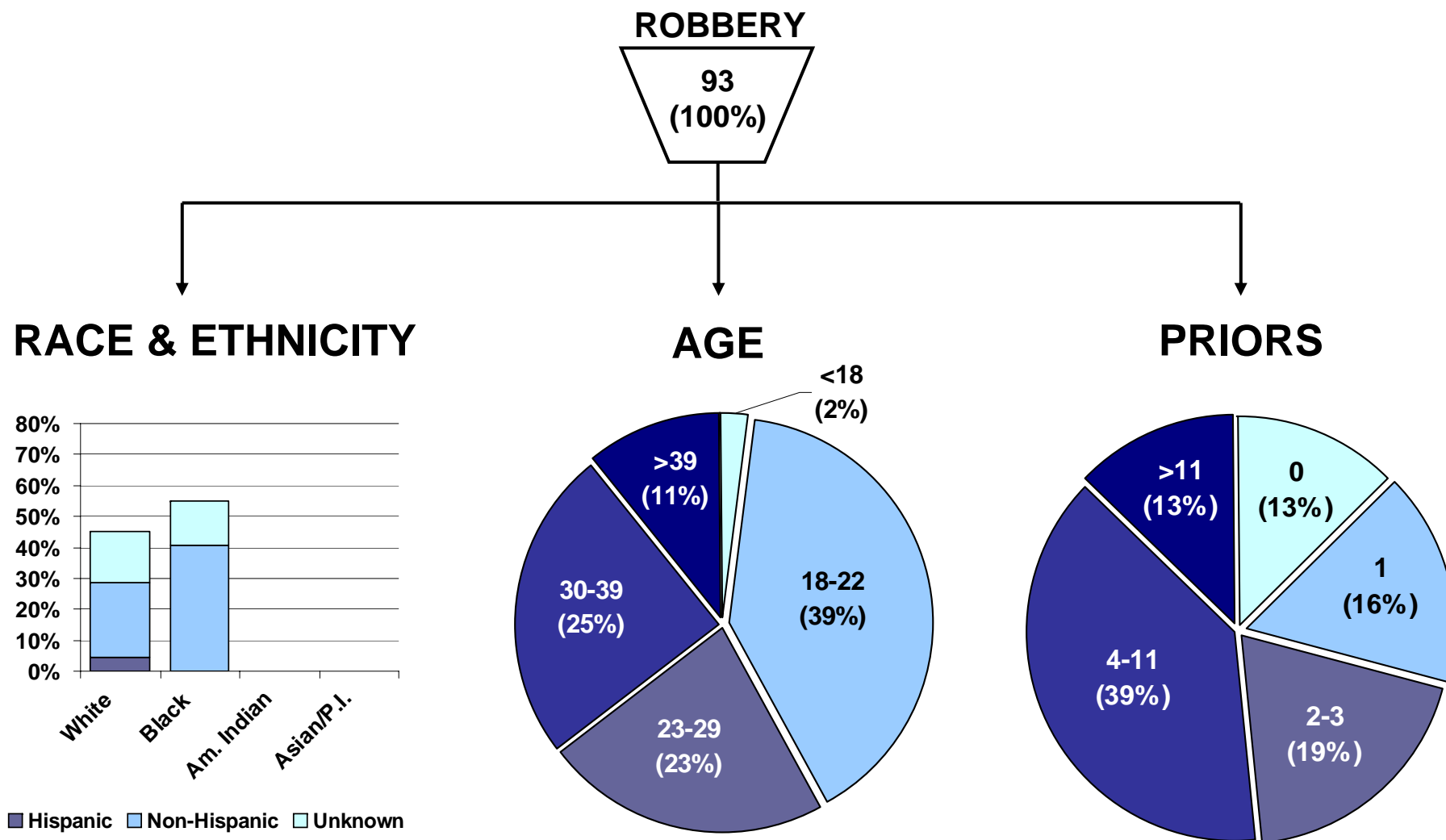
One consistent pattern found within this county pertained to adjustment categories and sentence lengths. Cases with an aggravating adjustment factor received longer sentences than cases with either a mitigating factor or none at all. For example, the median prison sentences for *Armed Robbery* cases with an aggravator, mitigator, and none were 3.5 years, 3.0 years, and 3.2 years, respectively. Yet due to the small number of cases in some categories, caution should be taken when interpreting these data.

As discussed above, the Dane/Rock region had offenders from only two of the four racial categories: White and Black. In general, there did not appear to be explicit disparities in the sentence lengths between these two categories of offenders. Both categories had nearly identical prison sentence lengths for all three offense types. White offenders had slightly shorter prison sentences than Black offenders for unarmed robbery offenses (*Robbery with Threat of Force* and *Robbery with Use of Force*), but, had longer extended supervision sentences for the same offenses. Perhaps the most noticeable difference between these two racial categories was found in probation lengths. The median lengths of probation for Black offenders convicted of *Robbery with Use of Force* and *Armed Robbery* were 7.5 years and 6.0 years, respectively. On the other hand, White offenders received 5.0 years probation for both offense types.

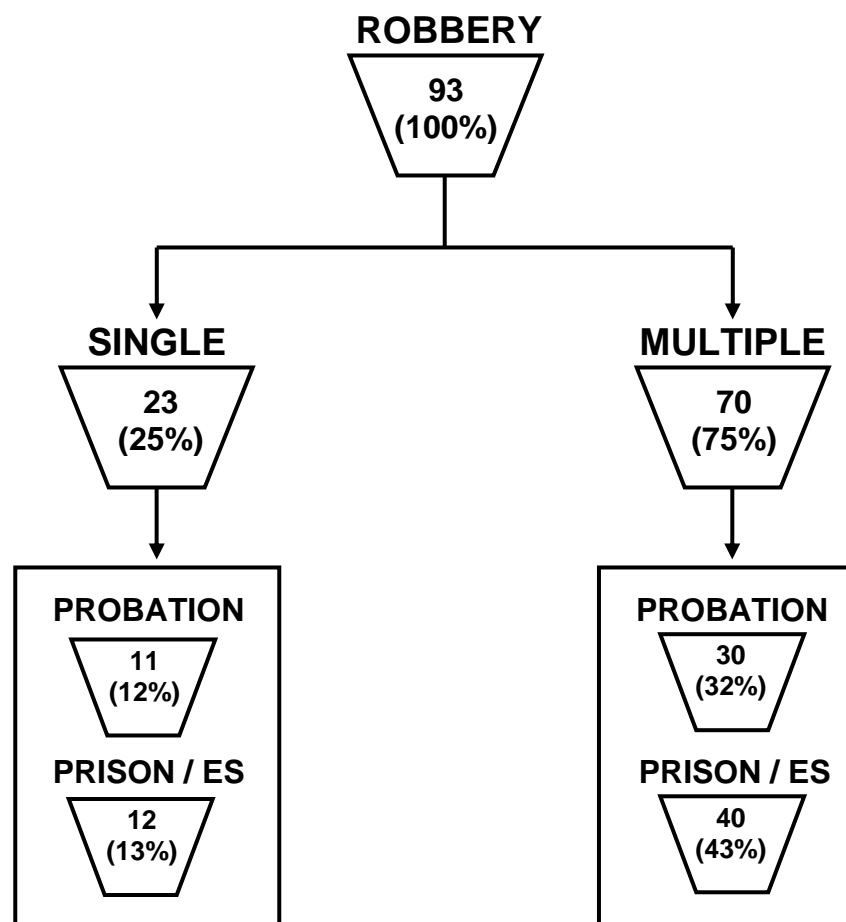
DANE/ROCK: CASES



DANE/ROCK: OFFENDERS



DANE/ROCK: SENTENCE TYPES



DANE/ROCK: SENTENCE LENGTHS

Median Sentence Lengths by Robbery Offense Type and Case Adjustment Type

	AGGRAVATOR (5)		MITIGATOR (48)		BOTH (7)		NONE (33)	
	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup
<i>Threat of Force</i>	5.0 yrs	- / -	5.0 yrs	3.3 / 4.0 yrs	-	5.0 / 5.0 yrs	5.0 yrs	3.0 / 3.0 yrs
<i>Use of Force</i>	-	3.0 / 5.0 yrs	7.5 yrs	4.0 / 5.0 yrs	10.0 yrs	2.0 / 1.0 yrs	3.7 yrs	3.7 / 5.5 yrs
<i>Armed</i>	-	3.5 / 11.5 yrs	5.0 yrs	3.0 / 4.5 yrs	-	4.5 / 5.0 yrs	6.5 yrs	3.2 / 5.0 yrs
Number of Cases	1	4	29	19	1	6	10	23

Median Sentence Lengths by Robbery Offense Type and Race

	WHITE (43)		BLACK (50)		AMERICAN INDIAN (0)		ASIAN/PAC ISLAND (0)	
	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup
<i>Threat Of Force</i>	5.0 yrs	3.3 / 5.0 yrs	5.0 yrs	3.5 / 3.5 yrs	-	- / -	-	- / -
<i>Use Of Force</i>	5.0 yrs	3.0 / 5.0 yrs	7.5 yrs	3.5 / 4.5 yrs	-	- / -	-	- / -
<i>Armed</i>	5.0 yrs	3.0 / 5.0 yrs	6.0 yrs	3.0 / 5.0 yrs	-	- / -	-	- / -
Number of Cases	23	20	18	32	0	0	0	0

REGIONAL DISTRICTS: FOX VALLEY

CASES

Offense Types [pg. 21] – Of the 584 robbery convictions in the State of Wisconsin, only 36 (6%) occurred in the Fox Valley region. Of those 36, nearly two-thirds (61%) of all the cases were for unarmed robbery offenses. *Robbery with Threat of Force* comprised 22%, while *Robbery with Use of Force* consisted of somewhat more cases at 39%. *Armed Robbery* accounted for the remaining 39%. Unlike the disparity found in the Dane/Rock region between single- and multiple-charge cases, the percentage breakdown in the Fox Valley region was relatively similar. Of the total, multiple-charge cases accounted for 59%, while single-charge cases accounted for fairly less at 41%. Perhaps most notably, *Robbery with Use of Force* had nearly four times as many multiple-charge cases (11) as single-charge cases (3).

OFFENDERS

Race & Ethnicity [pg. 22] – According to the Commission’s database, Fox Valley is one of the more racially diverse reporting regions. The majority of offenders were White (67%), yet this region had more American Indian and Asian/Pacific Island offenders than any of the other four regions. Another unique quality found in this region was that American Indian, not Black, offenders comprised the second highest racial category percent (14%). Eleven percent of the offenders in this region were Black, while the remaining 8% were from the Asian/Pacific Island category. With regard to ethnicity, the majority of robbery offenders in this region were Non-Hispanic (58%). Only 6% of the total was Hispanic, while the ethnicity of the remaining 36% was unknown. Also important to note, there was an equal distribution of Hispanic offenders between the White and American Indian racial categories.

Age [pg. 22] – Overall, 70% of the offenders in this region fell between the ages 18 and 39. Over half (51%) were between the ages of 18 and 22, while significantly fewer were within the age groups of 23-29 and 30-39 (11% and 8%, respectively). Additionally, 19% of the offenders were younger than 18. Offenders that were older than 39 accounted for 11% of the total, which was slightly higher than the statewide average of 8%.

Prior Convictions [pg. 22] – Ninety-two percent of the offenders in this region had at least one prior conviction. Approximately 8% had only one prior, while the remaining 84% had two or more. Of those offenders with two or more priors, the majority had between two and three (42%). Perhaps most surprisingly, only 8% of offenders in this region had no prior criminal convictions.

SENTENCES

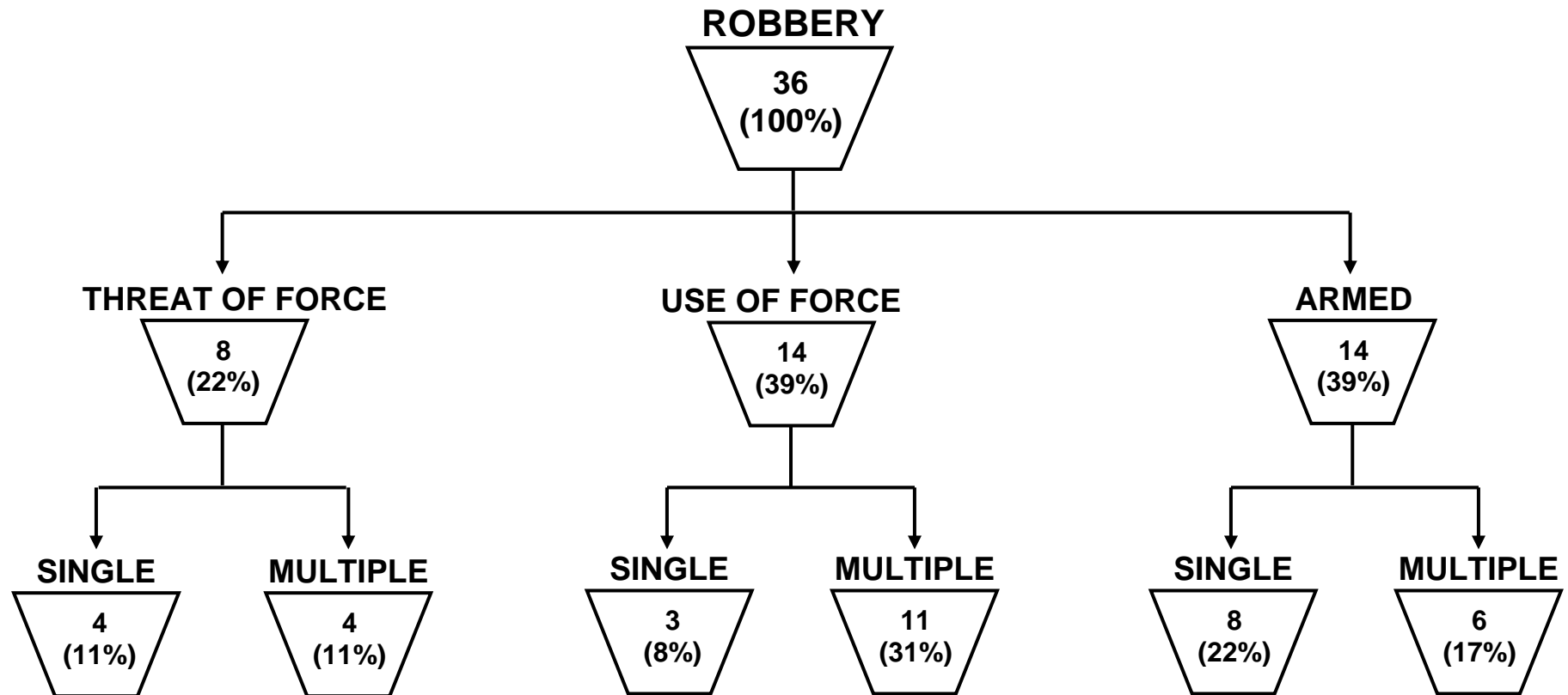
Sentence Types [pg. 23] – In the Fox Valley region, more than half of the offenders were sentenced to prison/extended supervision (61%). Probation sentences were handed down in 39% of the cases. According to the data, there was a slight difference between prison percentages and probation percentages for single-charge and multiple-charge cases. For example, probation sentences were given in single-charge cases 33% of the time and 43% of the time in multiple-charge cases. Similarly, prison sentences were given in single-charge cases 67% of the time and in multiple-charge cases 57% of the time.

Sentence Lengths [pg. 24] – Similar to the statewide pattern, prison sentences appeared to follow in the same direction as the severity of the offenses – the more severe the offense, the longer the sentence length. For example, median prison sentences for *Robbery with Threat of Force*, *Robbery with Use of Force*, and *Armed Robbery* with mitigators were 1.5 years, 2.5 years, and 8.0 years, respectively. This general pattern can also be found in these three offenses without adjustment factors.

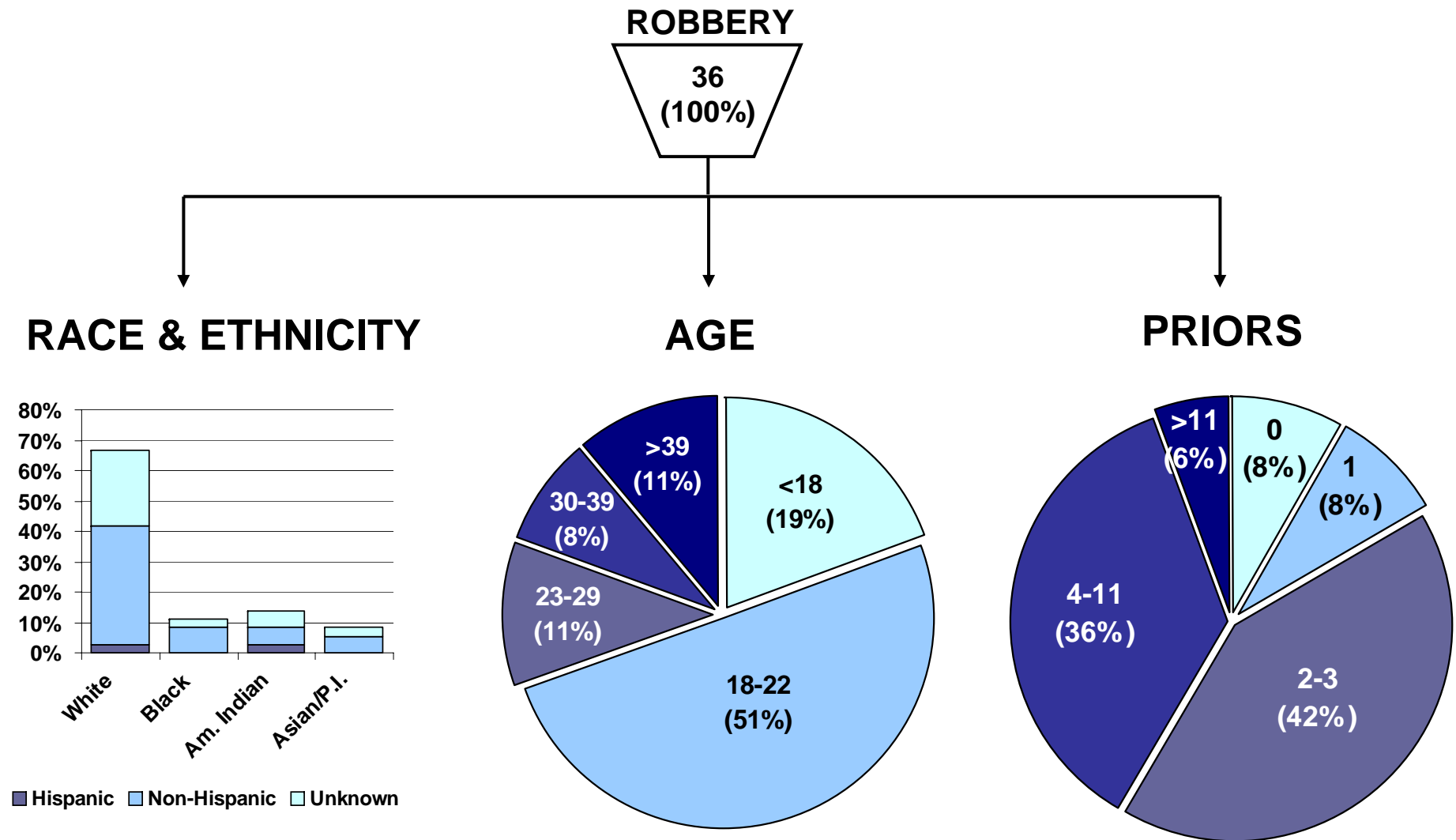
Another fairly consistent pattern found within this county pertained to adjustment categories and sentence lengths. Cases with an aggravating adjustment factor received longer sentences than cases with either a mitigating factor or none at all. For example, the median prison sentences for *Robbery with Threat of Force* with an aggravator, mitigator, and none were 7.0 years, 1.5 years, and 3.5 years, respectively. Yet due to the small number of cases in some categories, caution should be taken when interpreting these data.

As discussed above, the Fox Valley region had one of the more diverse populations of robbery offenders. Based on data extracted from the Commission's database, there appear to be several differences in the sentence lengths between the four racial categories. Yet due to the relatively small number of cases, these differences should be interpreted cautiously. According to the data, White offenders received longer sentences in virtually every instance, regardless of offense severity or adjustment type. The only exception to this was *Armed Robbery*. In this instance, American Indian offenders received the longest sentences for both prison (8.0 years) and extended supervision (12.0 years).

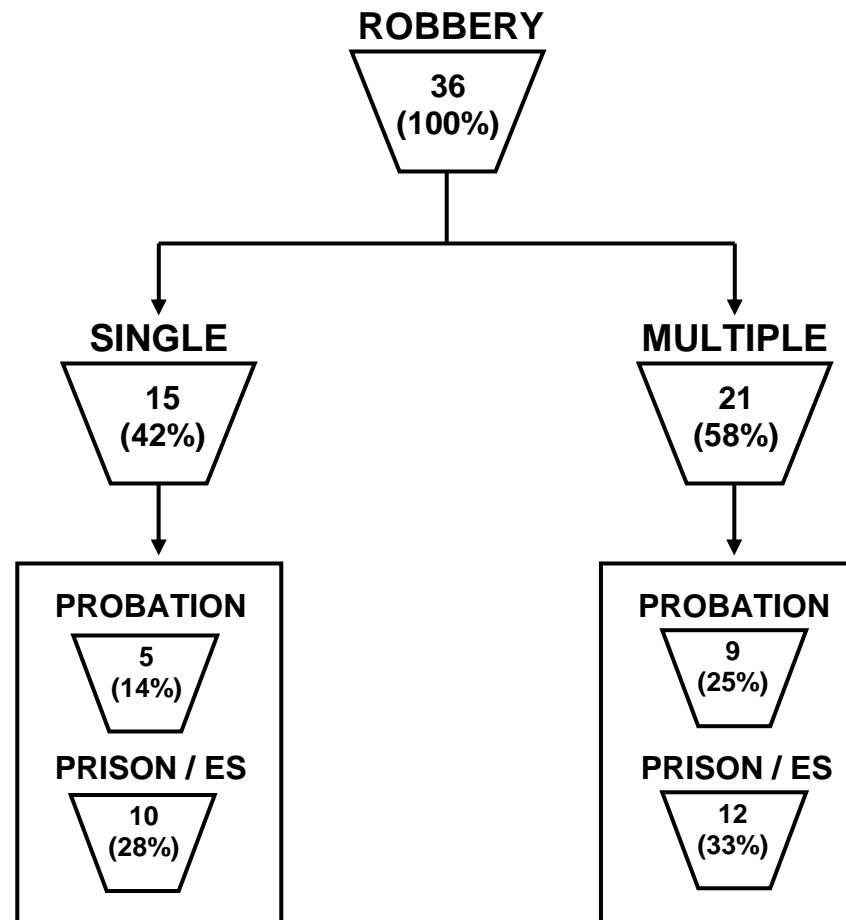
FOX VALLEY: CASES



FOX VALLEY: OFFENDERS



FOX VALLEY: SENTENCE TYPES



FOX VALLEY: SENTENCES

Median Sentence Lengths by Robbery Offense Type and Case Adjustment Type

	AGGRAVATOR (3)		MITIGATOR (16)		BOTH (6)		NONE (11)	
	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup
<i>Threat of Force</i>	-	7.0 / 8.0 yrs	3.5 yrs	1.5 / 3.0 yrs	-	- / -	-	3.5 / 4.0 yrs
<i>Use of Force</i>	-	8.0 / 4.0 yrs	4.0 yrs	2.5 / 4.2 yrs	10.0 yrs	- / -	4.0 yrs	4.0 / 5.0 yrs
<i>Armed</i>	-	7.0 / 10.0 yrs	-	8.0 / 12.0 yrs	8.5 yrs	4.1 / 12.0 yrs	-	4.0 / 5.0 yrs
Number of Cases	0	3	10	6	3	3	1	10

Median Sentence Lengths by Robbery Offense Type and Race

	WHITE (24)		BLACK (4)		AMERICAN INDIAN (5)		ASIAN/PAC ISLAND (3)	
	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup
<i>Threat Of Force</i>	3.5 yrs	7.0 / 8.0 yrs	-	3.5 / 4.0 yrs	-	1.5 / 3.0 yrs	-	- / -
<i>Use Of Force</i>	4.5 yrs	5.0 / 3.7 yrs	5.0 yrs	- / -	3.5 yrs	3.0 / 5.0 yrs	3.0 yrs	4.0 / 5.0 yrs
<i>Armed</i>	8.5 yrs	5.0 / 5.0 yrs	-	4.1 / 4.8 yrs	-	8.0 / 12.0 yrs	-	4.0 / 11.0 yrs
Number of Cases	10	14	1	3	2	3	1	2

REGIONAL DISTRICTS: MILWAUKEE

CASES

Offense Types [pg. 27] – Of the 584 robbery convictions in the State of Wisconsin, over 55% (326) occurred in the Milwaukee region. Of those 326, over two-thirds (68%) of all the cases were for *Armed Robbery*. *Robbery with Threat of Force* comprised 23%, while *Robbery with Use of Force* consisted of only 9%. Parallel to the Fox Valley region (yet in reverse order), the percentage breakdown between single- and multiple-charge cases in Milwaukee was relatively similar. Of the total, single-charge cases accounted for 59%, while multiple-charge cases accounted for fairly less at 41%. Perhaps most notably, *Robbery with Use of Force* had nearly twice as many single-charge cases (50) as multiple-charge cases (24).

OFFENDERS

Race & Ethnicity [pg. 28] – Similar to the Dane/Rock region, the offenders in Milwaukee were nearly all White (27%) or Black (72%). American Indian offenders comprised the remaining 1%. According to the Commission's database, this county did not contain cases involving Asian/Pacific Island offenders during the specific time period. With regard to ethnicity, an overwhelming majority of robbery offenders in this region were Non-Hispanic (77%). Only 11% of the total number of offenders was Hispanic, while the ethnicity of the remaining 12% was unknown. Also important to note, nearly all of the Hispanic offenders were White (94%). Black offenders comprised the other 6%.

Age [pg. 28] – Overall, 82% of the offenders in this region fell between the ages 18 and 39. Over half (51%) were between the ages of 18 and 22, while significantly fewer were within the age groups of 23-29 and 30-39 (16% and 15%, respectively). Additionally, 11% of the offenders were younger than 18. Offenders who were older than 39 accounted for 7% of the total, which was nearly identical to the statewide average of 8%.

Prior Convictions [pg. 28] – Ninety-two percent of the offenders in this region had at least one prior conviction. Twenty-six percent had one prior, while the remaining 66% had two or more. Of those offenders with two or more priors, the bulk had between two and three (34%). Similar to the Fox Valley region, only 8% of offenders in this region had no prior criminal convictions.

SENTENCES

Sentence Types [pg. 29] – In Milwaukee County, over three-quarters (79%) of the offenders were sentenced to prison/extended supervision. Probation sentences were handed down in only 21% of the cases. According to the data, there was a slight difference between prison

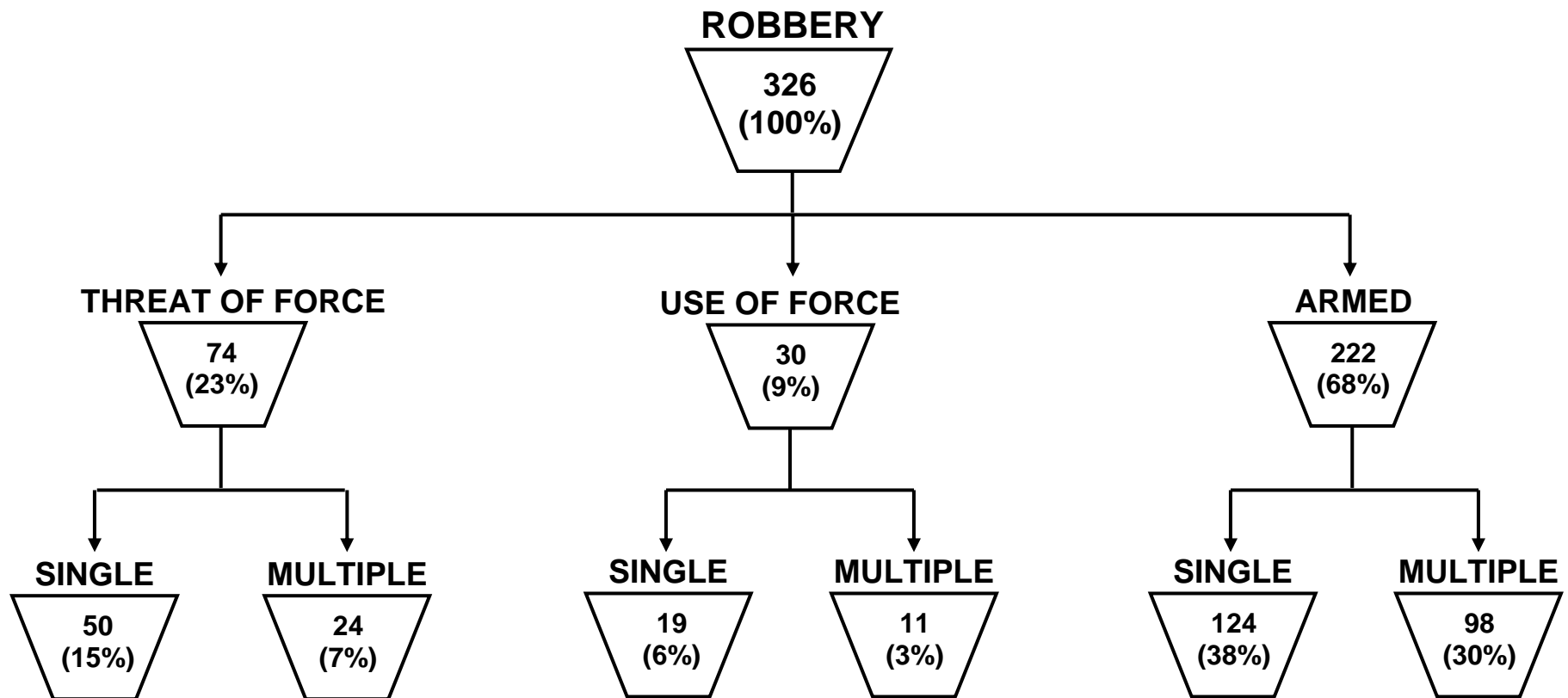
percentages and probation percentages for single-charge and multiple-charge cases. For example, probation sentences were given in single-charge cases 27% of the time and only 11% of the time in multiple-charge cases. Similarly, prison sentences were given in single-charge cases 73% of the time and in multiple-charge cases 89% of the time.

Sentence Lengths [pg. 30] – Unlike statewide sentences, a consistent pattern between offense types and sentence lengths did not appear to exist within the Milwaukee region. Cases without adjustment factors followed the statewide pattern, yet cases with aggravators and mitigators did not. For example, the median prison sentence for the least severe offense – *Robbery with Threat of Force* – with an aggravator was 2.6 years, yet this same median for *Robbery with Use of Force* was 2.0 years. On the other hand, the median prison sentences for *Robbery with Threat of Force*, *Robbery with Use of Force*, and *Armed Robbery* without adjustment factors were 3.0 years, 3.5 years, and 5.0 years, respectively.

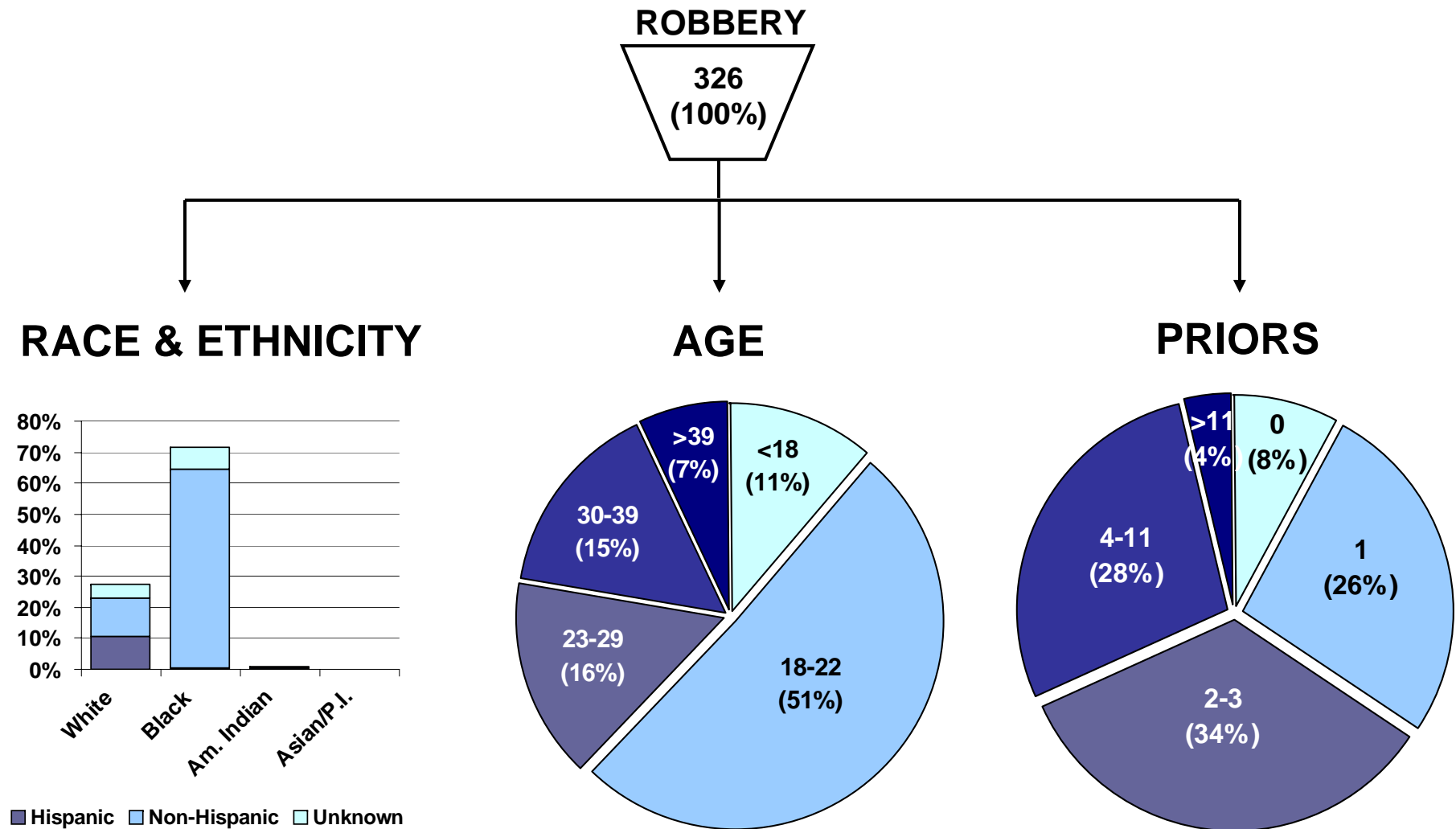
Another inconsistency found within this county pertained to adjustment categories and sentence lengths. Some cases with aggravators received longer sentences than cases with mitigators or no adjustments, while others did not. For example, the median prison sentences for *Robbery with Use of Force* with aggravators, mitigators, both, and none were 9.5 years, 2.0 years, 4.5 years, and 3.5 years, respectively. In contrast, these same lengths for *Armed Robbery* were 3.2 years, 5.0 years, 6.0 years, and 5.0 years. Yet due to the small number of cases in some categories, caution should be taken when interpreting these data.

As discussed above, the Milwaukee region did not have one of the more diverse populations with regard to robbery offenders. Nearly all of the offenders in this region were from either the White or Black racial categories. Similar to adjustment types, patterns regarding sentencing and race also appeared inconsistent. Based on data extracted from the Commission's database, probation sentences between the two categories were nearly identical. This was also true for *Armed Robbery* prison sentences. Yet disparities appeared in prison and extended supervision sentences for *Robbery with Threat of Force* and *Robbery with Use of Force*. In these instances, White offenders received median sentences of 2.5 years and 3.0 years for *Robbery with Threat of Force* and *Robbery with Use of Force*, respectively, while Black offenders received 3.0 years and 3.5 years for the same offenses. Case totals for American Indian offenders were too few to reasonably draw any statistical conclusions.

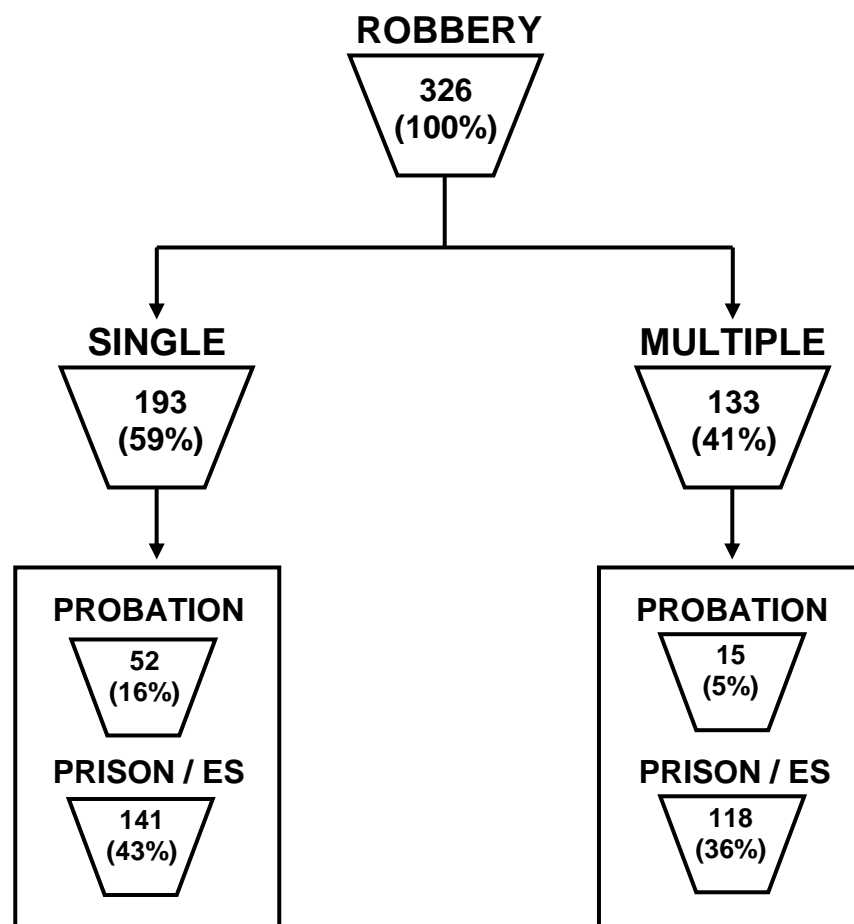
MILWAUKEE: CASES



MILWAUKEE: OFFENDERS



MILWAUKEE: SENTENCE TYPES



MILWAUKEE: SENTENCE LENGTHS

Median Sentence Lengths by Robbery Offense Type and Case Adjustment Type

	AGGRAVATOR (5)		MITIGATOR (211)		BOTH (20)		NONE (90)	
	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup
<i>Threat of Force</i>	-	2.5 / 3.5 yrs	4.0 yrs	2.6 / 3.0 yrs	-	1.0 / 1.0 yrs	4.0 yrs	3.0 / 3.9 yrs
<i>Use of Force</i>	-	9.5 / 10.5 yrs	3.0 yrs	2.0 / 3.0 yrs	4.0 yrs	4.5 / 3.5 yrs	5.0 yrs	3.5 / 3.5 yrs
<i>Armed</i>	-	3.2 / 4.2 yrs	4.0 yrs	5.0 / 5.0 yrs	-	6.0 / 5.5 yrs	5.0 yrs	5.0 / 5.0 yrs
Number of Cases	0	5	51	160	1	19	15	75

Median Sentence Lengths by Robbery Offense Type and Race

	WHITE (89)		BLACK (231)		AMERICAN INDIAN (3)		ASIAN/PAC ISLAND (0)	
	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup
<i>Threat Of Force</i>	4.0 yrs	2.5 / 3.5 yrs	4.0 yrs	3.0 / 3.0 yrs	-	2.5 / 3.5 yrs	-	- / -
<i>Use Of Force</i>	3.0 yrs	3.0 / 3.0 yrs	2.5 yrs	3.5 / 3.6 yrs	-	- / -	-	- / -
<i>Armed</i>	5.0 yrs	5.0 / 5.0 yrs	4.0 yrs	5.0 / 5.0 yrs	-	- / -	-	- / -
Number of Cases	20	69	44	187	0	3	0	0

REGIONAL DISTRICTS: RACINE/KENOSHA

CASES

Offense Types [pg. 33] – Of the 584 robbery convictions in the State of Wisconsin, only 25 (4%) occurred in the Racine/Kenosha region. Of those 25, almost half (48%) of all the cases were for *Armed Robbery*. *Robbery with Threat of Force* was the second most common offense at 32%, followed by *Robbery with Use of Force* at 20%. Of the total, multiple charge cases accounted for 84%, while single-charge cases accounted for only 16%. Perhaps most notably, neither *Robbery with Threat of Force* nor *Robbery with Use of Force* had any single-charge cases.

OFFENDERS

Race & Ethnicity [pg. 34] – Unlike statewide amounts, all of the offenders in the Racine/Kenosha region were either White (52%) or Black (48%). According to the Commission's database, this region did not contain cases involving American Indian or Asian/Pacific Island offenders during the specific time period. With regard to ethnicity, an overwhelming majority of robbery offenders in this region were Non-Hispanic (64%). Twenty percent of the total number of offenders was Hispanic, while the ethnicity of the remaining 16% was unknown. Also important to note, all of the Hispanic offenders were White.

Age [pg. 34] – Overall, 64% of the offenders in this region fell between the ages 18 and 39. Nearly one-third (32%) were between the ages of 18 and 22, while considerably fewer were within the age groups of 23-29 and 30-39 (12% and 20%, respectively). Conversely, 28% of the offenders were younger than 18. Offenders that were older than 39 accounted for 8% of the total, which was identical to the statewide average.

Prior Convictions [pg. 34] – Eighty-four percent of the offenders in this region had at least one prior conviction. Approximately 40% had one prior, while the remaining 44% had two or more. Of those offenders with two or more priors, the majority had between two and three (24%). Unlike the statewide average of 6%, only 4% of offenders in the Racine/Kenosha region had more than 11 prior convictions.

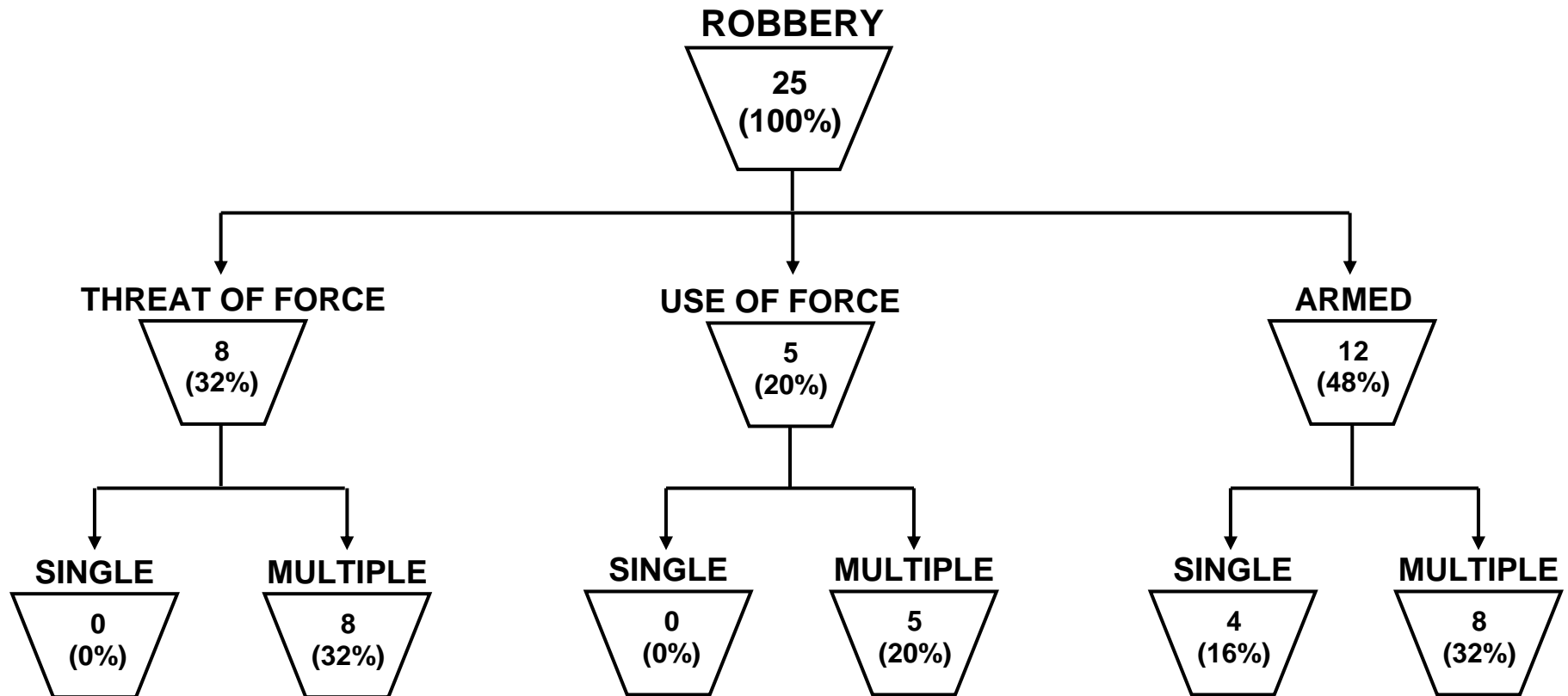
SENTENCES

Sentence Types [pg. 35] – In the Racine/Kenosha region, over three-quarters (80%) of the offenders were sentenced to prison/extended supervision. Probation sentences were handed down in only 20% of the cases. According to the data, there did not appear to be a wide discrepancy between prison percentages and probation percentages for single-charge and multiple-charge cases. For example, probation sentences were given in single-charge cases 25% of the time and 19% of the time in multiple-charge cases. Similarly, prison sentences were given in single-charge cases 75% of the time and in multiple-charge cases 81% of the time.

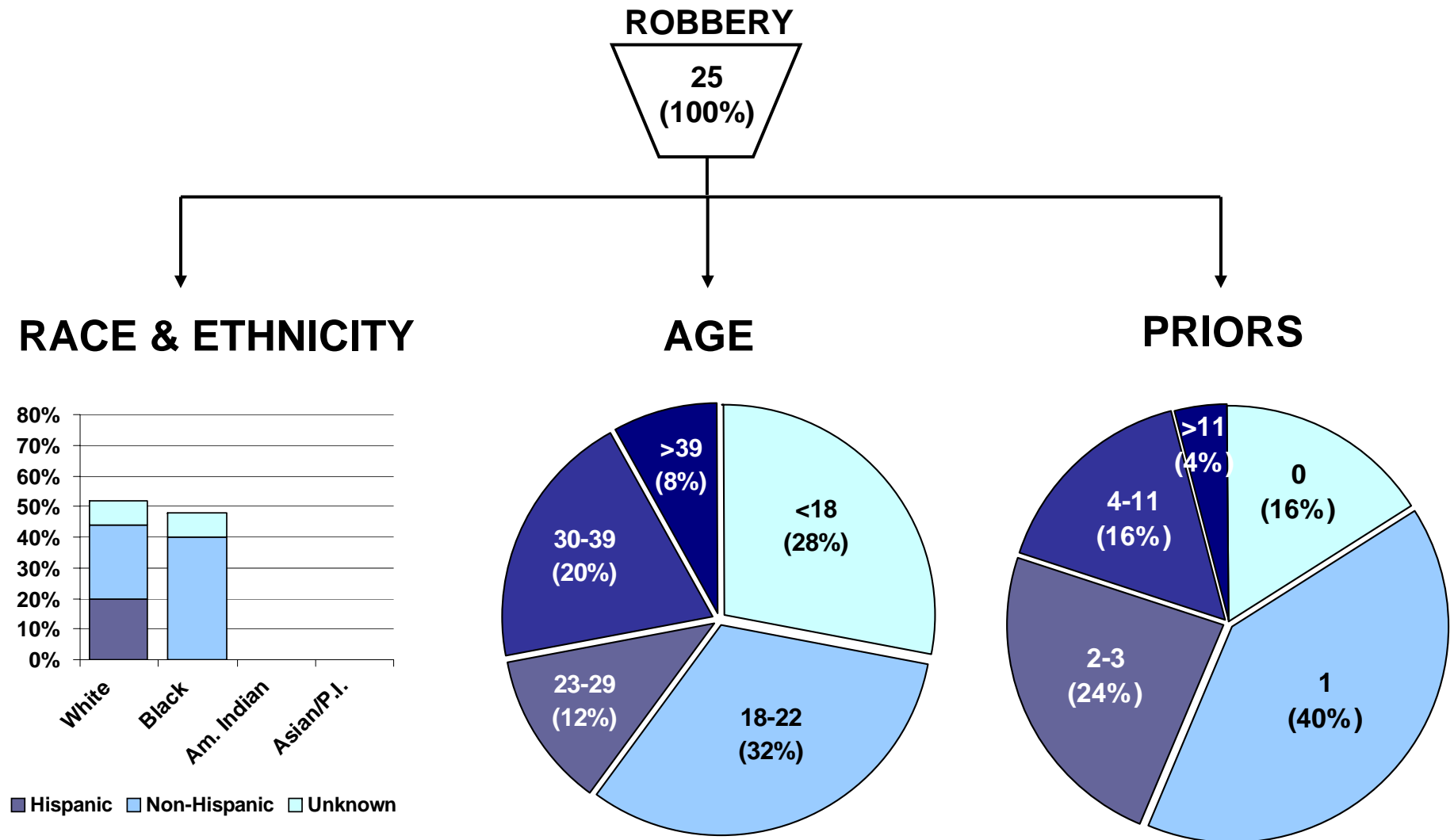
Sentence Lengths [pg. 36] – Due to the extremely small number of cases in the Racine/Kenosha region, definitive sentencing patterns could not be identified. The only general trend discernable from the data pertained to sentence lengths and offense types. In most instances, sentence lengths for prison and extended supervision were in direct relation to offense severity – the more severe the offense, the longer the sentence length. The only exception to this trend was found in cases without adjustment factors. In this instance, prison sentences for the three ordered offenses (*Robbery with Threat of Force*, *Robbery with Use of Force*, and *Armed Robbery*) were 4.0 years, 3.5 years, and 3.0 years, respectively.

As discussed above, the Racine/Kenosha region had offenders from only two of the four racial categories: White and Black. Based on data extracted from the Commission's database, there appeared to be both differences and similarities in the sentence lengths between these two categories of offenders. For *Robbery with Use of Force*, White offenders received shorter prison sentences than Black offenders (3.0 years and 4.0 years, respectively). Other the other hand, for *Robbery with Threat of Force*, Black offenders received shorter prison sentences than White offenders (3.0 years and 4.0 years, respectively). Median prison sentences for *Armed Robbery* were nearly identical between the two racial categories. Once again, though, due to the small number of cases in this region, caution should be taken when interpreting these data.

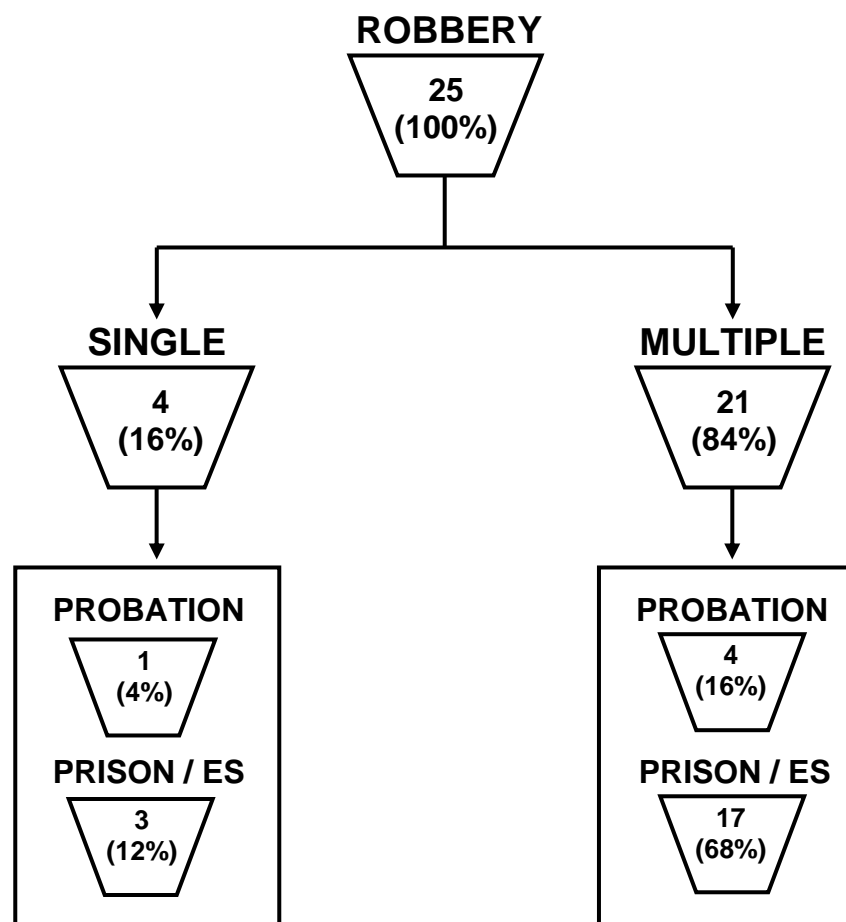
RACINE/KENOSHA: CASES



RACINE/KENOSHA: OFFENDERS



RACINE/KENOSHA: SENTENCE TYPES



RACINE/KENOSHA: SENTENCE LENGTHS

Median Sentence Lengths by Robbery Offense Type and Case Adjustment Type

	AGGRAVATOR (0)		MITIGATOR (14)		BOTH (1)		NONE (10)	
	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup
<i>Threat of Force</i>	-	- / -	4.0 yrs	- / -	-	- / -	-	4.0 / 4.0 yrs
<i>Use of Force</i>	-	- / -	-	4.5 / 6.5 yrs	-	- / -	-	3.5 / 6.0 yrs
<i>Armed</i>	-	- / -	3.0 yrs	5.5 / 9.5 yrs	-	16.0 / 10.0 yrs	10.0 yrs	3.0 / 7.0 yrs
Number of Cases	0	0	4	10	0	1	1	9

Median Sentence Lengths by Robbery Offense Type and Race

	WHITE (13)		BLACK (12)		AMERICAN INDIAN (0)		ASIAN/PAC ISLAND (0)	
	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup
<i>Threat Of Force</i>	4.5 yrs	3.0 / 4.0 yrs	3.0 yrs	4.0 / 4.5 yrs	-	- / -	-	- / -
<i>Use Of Force</i>	-	4.0 / 4.5 yrs	-	3.0 / 8.0 yrs	-	- / -	-	- / -
<i>Armed</i>	-	5.5 / 9.0 yrs	6.5 yrs	5.0 / 8.5 yrs	-	- / -	-	- / -
Number of Cases	2	11	3	9	0	0	0	0

REGIONAL DISTRICTS: REST OF STATE

CASES

Offense Types [pg. 39] – Of the 584 robbery convictions in the State of Wisconsin, 104 (18%) occurred in the Rest of the State region. Of those 104, nearly half (48%) of all the cases were for *Armed Robbery*. *Robbery with Threat of Force* comprised 29%, while *Robbery with Use of Force* consisted of slightly fewer cases at 24%. Of the total, multiple charge cases accounted for 69%, while single-charge cases accounted for only 31%. Perhaps most notably, *Robbery with Threat of Force* had four times as many multiple-charge cases (24) as single-charge cases (6).

OFFENDERS

Race & Ethnicity [pg. 40] – According to the Commission’s database, the Rest of the State region is a relatively more racially diverse reporting region than others. Similar to the Fox Valley region, the majority of offenders were White (77%), yet there were some from both the American Indian and Asian/Pacific Island racial categories as well. Black offenders comprised the second highest amount at 17%, followed by American Indian (4%) and Asian/Pacific Island (2%) offenders. With regard to ethnicity, the majority of robbery offenders in this region were Non-Hispanic (71%). Only 3% of the total number of offenders was Hispanic, while the ethnicity of the remaining 26% was unknown. Also important to note, all of the Hispanic offenders were White.

Age [pg. 40] – Overall, 85% of the offenders in this region fell between the ages 18 and 39. Nearly half (46%) were between the ages of 18 and 22, while significantly fewer were within the age groups of 23-29 and 30-39 (27% and 12%, respectively). Additionally, only 7% of the offenders were younger than 18. A slightly higher percent of offenders were over the age of 39 (8%), which was identical to the statewide average.

Prior Convictions [pg. 40] – Eighty-seven percent of the offenders in this region had at least one prior conviction. Approximately 24% had one prior, while the remaining 63% had two or more. Of those offenders with two or more priors, the majority had between four and eleven (33%). Perhaps most surprisingly, 12% of offenders in this region had more than 11 prior criminal convictions.

SENTENCES

Sentence Types [pg. 41] – In the Rest of the State region, nearly two-thirds of the offenders were sentenced to prison/extended supervision (63%). Probation sentences were handed down in 37% of the cases. According to the data, there did not appear to be a wide discrepancy between prison percentages and probation percentages for single-charge and multiple-charge cases. For example, probation sentences were

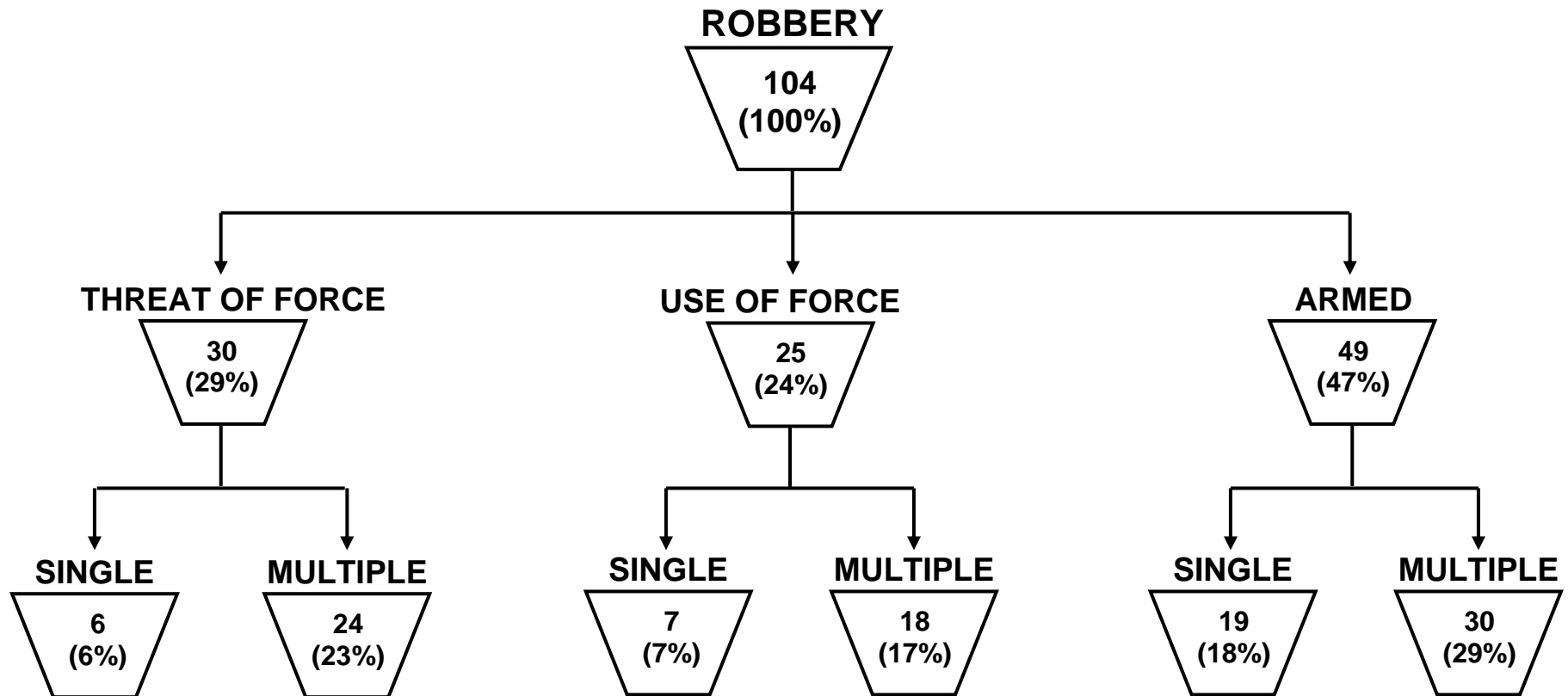
given in single-charge cases 41% of the time and 35% of the time in multiple-charge cases. Similarly, prison sentences were given in single-charge cases 59% of the time and in multiple-charge cases 65% of the time.

Sentence Lengths [pg. 42] – Unlike the statewide pattern, a relationship between sentence lengths and offense types did not appear to exist among the cases in this region. The sentence lengths of some cases followed in the same direction as the severity of the offense, while others did not. For example, cases without adjustment factors had median sentence lengths of 3.0 years, 5.0 years, and 7.5 years for *Robbery with Threat of Force*, *Robbery with Use of Force*, and *Armed Robbery*, respectively. Yet cases with mitigating factors had median sentence lengths of 6.0 years, 3.7 years, and 7.5 years for the same offenses.

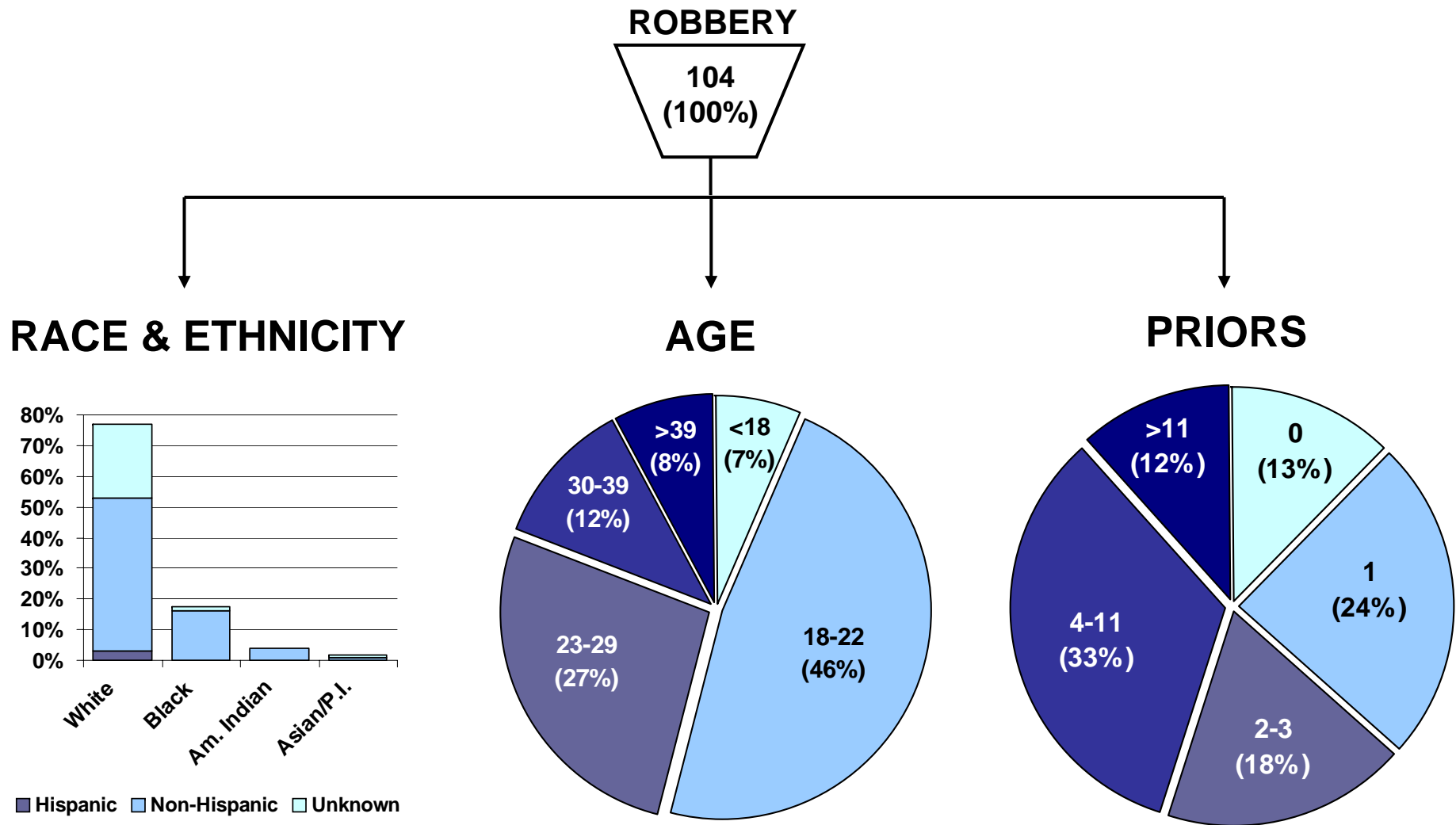
The same inconsistencies were not found between sentence lengths and adjustment factors. Instead, none of the sentence lengths followed in the same direction as the adjustment factors. For example, the median prison sentences for *Armed Robbery* with aggravators, mitigators, and no adjustments were 3.2 years, 7.5 years, and 4.0 years, respectively. Similarly, these same sentence lengths for *Robbery with Threat of Force* were 2.0 years, 6.0 years, and 4.0 years. In both instances, the sentence lengths did not correspond to the direction of the adjustment factors.

As discussed above, this reporting region has one of the more diverse populations of robbery offenders. Based on data extracted from the Commission's database, there do not appear to be considerable differences in the sentence lengths between the four racial categories. Both White and Black offenders had identical median prison sentences for *Robbery with Use of Force* and *Armed Robbery*. They also had identical lengths of extended supervision for *Robbery with Threat of Force* and *Armed Robbery*. Differences existed within median prison sentences for *Robbery with Threat of Force* (White = 5.5 years, Black = 3.0 years) and extended supervision sentences for *Robbery with Use of Force* (White = 4.5 years, Black = 3.7 years). Once again, due to the limited number of cases involving American Indian and Asian/Pacific Island offenders, it was not possible to confidently report disparities found within these two categories.

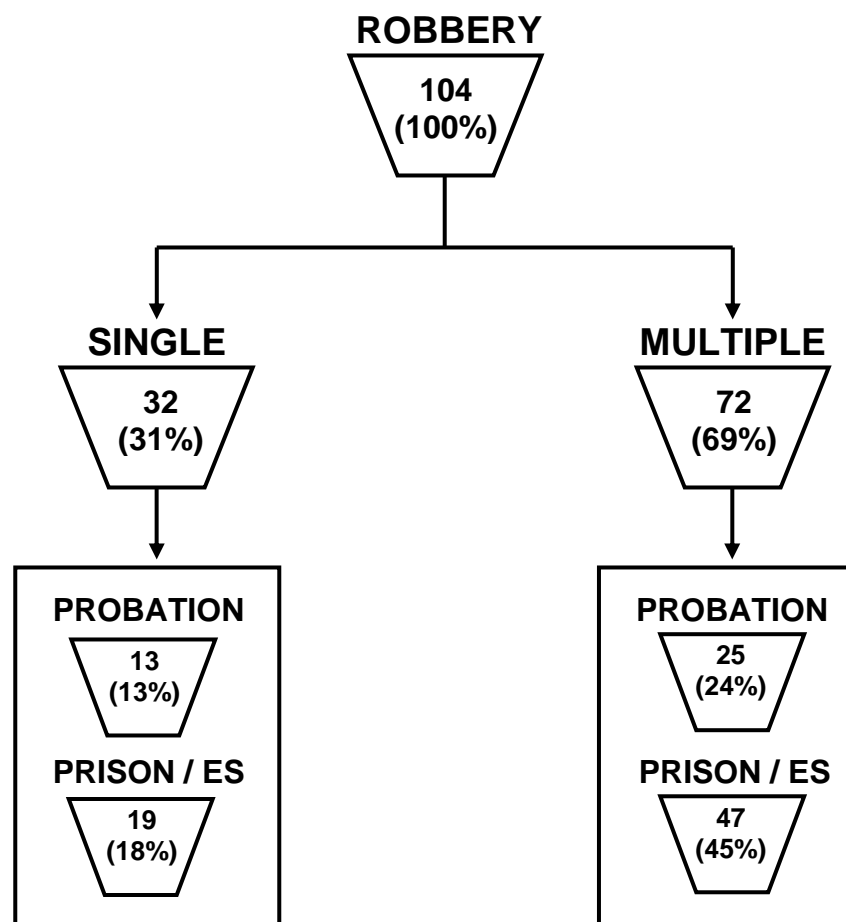
REST OF STATE: CASES



REST OF STATE: OFFENDERS



REST OF STATE: SENTENCE TYPES



REST OF STATE: SENTENCE LENGTHS

Median Sentence Lengths by Robbery Offense Type and Case Adjustment Type

	AGGRAVATOR (13)		MITIGATOR (45)		BOTH (5)		NONE (41)	
	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup
<i>Threat of Force</i>	3.0 yrs	2.0 / 5.0 yrs	5.0 yrs	6.0 / 5.0 yrs	3.0 yrs	6.7 / 8.7 yrs	3.0 yrs	4.0 / 5.0 yrs
<i>Use of Force</i>	-	3.5 / 10.5 yrs	5.5 yrs	3.7 / 4.2 yrs	-	- / -	5.0 yrs	3.0 / 3.9 yrs
<i>Armed</i>	8.0 yrs	3.2 / 3.2 yrs	5.0 yrs	7.5 / 8.0 yrs	-	12.0 / 13.0 yrs	7.5 yrs	4.0 / 6.0 yrs
Number of Cases	4	9	21	24	1	4	12	29

Median Sentence Lengths by Robbery Offense Type and Race

	WHITE (80)		BLACK (18)		AMERICAN INDIAN (4)		ASIAN/PAC ISLAND (2)	
	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup	Probation	Prison / ExtSup
<i>Threat Of Force</i>	4.0 yrs	5.5 / 5.0 yrs	4.0 yrs	3.0 / 5.0 yrs	-	5.5 / 8.7 yrs	-	- / -
<i>Use Of Force</i>	5.0 yrs	3.7 / 4.5 yrs	7.0 yrs	3.7 / 3.7 yrs	5.0 yrs	1.1 / 1.5 yrs	3.9 yrs	- / -
<i>Armed</i>	5.0 yrs	5.0 / 6.0 yrs	-	5.0 / 6.0 yrs	-	- / -	-	8.0 / 12.0 yrs
Number of Cases	31	49	5	13	1	3	1	1

SUMMARY FINDINGS

CASES

Between February 2003 and December 2004, there were 584 robbery convictions in the State of Wisconsin. This report separated these convictions into three different offenses: *Robbery with Threat of Force*, *Robbery with Use of Force*, and *Armed Robbery*. Statewide, *Armed Robbery* accounted for 59% of the total, followed by *Robbery with Threat of Force* (26%) and *Robbery with Use of Force* (15%). The reporting region with the greatest percent of *Armed Robbery* convictions was Milwaukee County. In this reporting region, 68% of all convictions were for this offense. The Fox Valley region had the smallest percent of *Armed Robbery* convictions at 39%. The Dane/Rock region had the second highest total at 53%, followed by the Racine/Kenosha and Rest of the State regions (48% and 47%, respectively).

In addition to offense types, this report also separated cases by charge counts. Statewide, 44% of the cases involved a single criminal charge, while 56% of the cases involved more than one charge. These rates seemed to vary considerably throughout the five reporting regions. For example, in the Racine/Kenosha region, only 16% of the cases contained single charges. The Milwaukee region, on the other hand, had a dramatically higher rate of 60%. Slightly over three-quarters (76%) of the cases in the Dane/Rock region involved multiple charges. A similar rate could also be found in the Rest of the State region (69%). The only region relatively similar to the statewide single-charge and multiple-charge rates was Fox Valley with 41% and 59%, respectively.

This report also provided information on charge adjustment rates. Statewide, 68% of the cases contained at least one charge adjustment; aggravating, mitigating, or both. This rate held relatively consistent throughout the five regions. The Milwaukee region had the highest rate of cases with adjustments (72%), while the Racine/Kenosha region had the lowest (60%). The remaining three regions had rates within a few percentage points of the statewide total: Fox Valley at 69%, Dane/Rock at 65%, and Rest of the State at 61%.

OFFENDERS

Similar to other state trends regarding race, nearly all of the offenders convicted of robbery in Wisconsin were either White or Black. Statewide, 42% of the offenders were White, 54% were Black, 2% were American Indian, and 2% were Asian/Pacific Islander. These rates varied considerably throughout the reporting regions. Arguably, the most racial diverse region was Fox Valley. Although 67% of the offenders in this region were White, 11% were Black, 14% were American Indian, and 8% were Asian/Pacific Islander. The Rest of the State region also had offender from all four racial categories, but the distribution of percents among the categories varied somewhat (White = 77%, Black = 17%, American Indian = 4%, and Asian/Pacific Islander = 2%). Three of the regions – Dane/Rock, Milwaukee, and Racine/Kenosha – had all or nearly all offenders from either the White or Black racial categories.

According to the data, 9% of robbery offenders in the State of Wisconsin were Hispanic. Seventy-two percent were Non-Hispanic, while the ethnicity of the remaining 19% was unknown. Although most of the reporting regions had similar rates, a few did not. For example, only 3% of offenders in the Rest of the State region were Hispanic, while the Milwaukee region had nearly four times that rate (11%). The biggest fluctuation occurred within the “unknown” category. In the Milwaukee region, the ethnicity of robbery offenders was known in 88% of the cases. Conversely, this rate drops to 70% in the Dane/Rock region. Ultimately, these rates are more indicative of variations in data collection techniques than statistical trends.

Along with race and ethnicity, this report also provided information on the age of offenders. Statewide, nearly half (47%) of all robbery offenders were between the ages of 18 and 22, and over three-quarters (81%) were between the ages of 18 and 39. These rates were relatively consistent in all but two of the five reporting regions. Both the Racine/Kenosha and Fox Valley regions had considerably lower rates for offenders between the ages of 18 and 39 (64% and 69%, respectively). Yet unlike the other three regions, Racine/Kenosha and Fox Valley had relatively high rates of offenders less than 18 years of age. In the Racine/Kenosha region, 28% of the offenders were less than 18 years of age. The Fox Valley region followed next with 19%. The Dane/Rock region had the lowest rate of offenders less than 18 years of age at 2%. All of the five regions maintained relatively similar rates of offenders over 39 years of age to the statewide total of 8%.

The number of prior convictions for robbery offenders was also discussed in this report. Nearly 90% of all offenders convicted of robbery in the State of Wisconsin between February 2003 and December 2004 had at least one prior conviction. Statewide, approximately 25% of offenders had one prior, while the remaining 65% had two or more. Although the majority of offenders had between two and eleven priors, a little more than 6% had over eleven. These rates fluctuated somewhat throughout the five reporting regions. For example, only 8% of offenders in the Fox Valley region had one prior conviction, yet the Racine/Kenosha region had a rate five times that amount (40%). And although the Dane/Rock region had relatively more offenders with no priors than the other four regions, it also had the highest rate of offenders with more than 11.

SENTENCES

Statewide, nearly three-quarters (73%) of the offenders convicted on robbery charges were sentenced to prison/extended supervision, with the remaining 27% sentenced to probation. Yet, these same rates were not found in any of the five reporting regions. The Milwaukee and the Racine/Kenosha regions both sentenced approximately 80% to prison/extended supervision and 20% to probation. The Milwaukee region, in particular, had a comparatively high percent of *Armed Robbery* cases. Conversely, the Dane/Rock region sentenced offenders almost equally between prison/extended supervision (56%) and probation (44%). The percent of *Armed Robbery* cases in this region were moderately less than those in the Milwaukee region. Finally, both the Fox Valley and Rest of the State regions sentenced approximate two-thirds (61% and 63%, respectively) to prison/extended supervision and one-third (39% and 37%) to probation.

Overall, the data appear to follow commonly expected patterns of sentence lengths. The sentences in most regions were in direct proportion to the severity of the offense -- the more severe the offense, the longer the sentence length. Generally, prison sentences for *Armed Robbery*

were longer than those for either *Robbery with Threat of Force* or *Robbery with Use of Force*. In addition, most statewide sentence lengths appeared to follow in the same direction as the adjustment factor. For example, statewide, the median prison sentences for multiple-charge, *Armed Robbery* cases with aggravators, mitigators, both, and none were 10 years, 5.9 years, 8.2 years, and 8.1 years, respectively. Also, cases involving multiple charges were typically given longer sentences than those containing a single charge. Although there were some instances within the various regions where these patterns did not match general expectations, the majority of instances occurred where case totals were limited. Such occurrences were not necessarily indicative of aberrant trends.

With regard to sentence lengths and race, no overriding patterns emerged among the four racial categories: White, Black, American Indian, and Asian/Pacific Islander. Statewide, prison and extended supervision sentences for *Armed Robbery* were nearly identical between White and Black offenders, but similar trends were not as apparent in the other two offense categories. These patterns remained generally consistent throughout the five regions as well. Both statewide and regionally, case totals for American Indian and Asian/Pacific Island offenders were too few to reasonably draw any statistical conclusions. Criminal sentencing in the State of Wisconsin involves the examination of many different factors. These factors include, but are not limited to, prior criminal history, multiple charges, case adjustments, mental and physical health, drug and/or alcohol dependency, employment history, education, family support, and ties to the community. Due to time constraints and limited resources, the affects of these factors on sentencing could not be thoroughly examined within the parameters of this report. Without a more detailed analysis of these additional elements, it is not possible to report any definitive conclusions at this time. A future report by the Commission devoted to race and sentencing will address the issue in greater detail.

¹ U.S. Dept. of Justice, Federal Bureau of Investigation. *Crime in the United States 2003*. Washington, DC: Federal Bureau of Investigation, 2004.

² U.S. Dept. of Justice, Bureau of Justice Statistics. *State Court Sentencing of Convicted Felons, 2002*. Washington, DC: Bureau of Justice Statistics, 2005.